

BEFORE THE HEARING EXAMINER FOR THE CITY OF RENTON

RE: McCormick Plat

Preliminary Plat and Planned Urban  
Development

LUA11-034, ECF, PP, PPUD

FINAL DECISION

**Summary**

Robert McCormick has applied for approval of an application for a 34 lot preliminary plat and planned urban development ("PUD"). The application also includes a request to reduce portions of a 75 foot buffer to a Class III stream to 60 feet and an alteration of the buffer to enable a waterline crossing. The project site currently accommodates a 40 unit mobile home park and the applicant will have to vacate the park to develop the subdivision. The application and associated stream buffer modifications are approved subject to conditions. Requested modifications to development standards as authorized by PUD regulations are approved to the extent recommended by staff.

The project's compliance with applicable development standards was virtually uncontested. The Muckleshoot Tribe provide some written concerns and many of those concerns were addressed by staff in its recommended conditions of approval. As is evident from the record, all project impacts were thoroughly assessed and mitigated. Most of the staff's analysis and most of its recommended conditions of approval was adopted without any need for modification. Numerous conditions of approval were added to assure compliance with permitting criteria. It is likely that staff had already ensured that the project would comply with these conditions, but this was not evident from the administrative record.

There was only one revision to the staff recommended conditions of approval that may require some marginally significant revision to the project, regarding a re-assessment of compliance with the

1 City's tree retention regulations. The staff report provides for an inventory of trees with 6-inch  
2 caliper or greater and bases retention and replacement requirements on those numbers. As discussed  
3 in Conclusion of Law No. 9, the City's tree retention ordinance requires protection of all trees with a  
4 2-inch caliper or greater. It may well be that the staff report doesn't mention trees between 2 and 6-  
5 inch caliper because none are present at the project site. However, if there are trees in that range the  
6 conditions of approval require that they be included in the applicant's tree retention plan. If staff or  
7 the applicant have some code basis to argue that tree retention requirements only apply to the 6-inch  
8 plus trees, a reconsideration request is highly encouraged.

9 Several persons attended the hearing, but no members of the public expressed any concerns about  
10 regulatory compliance. The people at the hearing are mobile home owners living in the park and  
11 they were understandably concerned about their relocation. As explained by the Examiner at the  
12 hearing, the City has little authority to alleviate the problems this project will introduce into their  
13 lives. What help can be provided is mostly available through state law as opposed to City  
14 regulations. RCW 59.21.030 requires the applicant to provide twelve months' notice to the mobile  
15 home owners prior to the termination of their tenancy. The applicant can provide this notice anytime  
16 he chooses and mobile home owners should consult with the applicant to determine when he intends  
17 to send out the notice. Washington State also provides relocation monies to low income mobile  
18 home owners. In Condition 11 of the State Environmental Policy Act ("SEPA"), Chapter 43.21C  
19 RCW Mitigated Determination of Nonsignificance ("MDNS") the applicant has voluntarily agreed to  
20 advance the funds provided by the state to those who would qualify for the funds. According to the  
21 applicant at the hearing, without the advanced funding qualified owners may not get funds from the  
22 state until well after they've incurred relocation expenses.

23 For those who would like more information on the state relocation program, the Washington State  
24 Department of Commerce has a website with information at  
25 <http://www.commerce.wa.gov/site/484/default.aspx>. Note that the website provided by the applicant  
26 in Ex. 36 is no longer active since the Washington State Department of Community, Trade and  
Economic development was absorbed into the Washington State Department of Commerce. The  
Department of Commerce can also be reached if you have questions about the relocation program at  
1-800-964-0852.

## 21 Testimony

### 22 Staff Testimony

23 Vanessa Dolbee, senior planner for city of Renton, stated the application is for a for a 34-lot  
24 subdivision of one parcel located at 16405 Maple Valley Highway. She noted exhibit 18, the  
25 neighborhood detail map, which demonstrates the site is on the south side of Maple Valley Highway  
26 and a portion of the property lies in King County, not Renton. Ms. Dolbee testified that the property  
is designated residential, single family (R-8) in the city. She said the portion of the site within Renton  
is 7.32 acres, and the map (exhibit 18) denotes which sections of the property are in the city and

1 which are in King County. The section of the site to be developed is located in Renton, yet the part in  
2 King County is still being processed within this application. She noted that across from Maple Valley  
3 Highway is King County park property that is zoned RA-5, to the east is property zoned R-A5, to the  
4 south there is vacant land zoned RA-10P and R-1, and to the west is R-8 which is the Summerfield  
5 residential development.

6 Ms. Dolbee testified that exhibit 32 is a vested King County plat for the same property (also for a 34-  
7 lot subdivision), which is proposal LUA-068 for King County. Due to this vested application, this  
8 proposal is unique because the comparison for public benefit improvements needs to be balanced  
9 according to both Renton standards and King County standards, Ms. Dolbee noted. The old plat  
10 proposal for King County has cul-de-sacs and a t-access easement for the lots, but, according to Ms.  
11 Dolbee, in the new plan there is a looped road system, alley-loaded homes, vertical curves/sidewalks,  
12 a trail system, and a large vegetative buffer along the Maple Valley Highway. Additionally, she  
13 commented that there is an increase in critical area protection in the lots along the south-side in the  
14 new proposal.

15 Ms. Dolbee stated that exhibit 2 is the applicant's proposal. The proposal is for lots ranging from  
16 2,444 square feet to 3,421 square feet, resulting in a net density of 6.33 dwelling units per acre, she  
17 said. Ms. Dolbee noted that there are nine tracts proposed including a storm-water tract, aid and  
18 growth protection tracts, access and utility tracts, open space, a lopped trail system (1/3 of a mile  
19 long), a play area in the center, and a hierarchical road system. According to Ms. Dolbee, there are 3  
20 roads: road A is the main access way, road B loops around the development, and road C goes through  
21 the center of the development.

22 Ms. Dolbee testified that there are many critical areas within the site. There is a class 3 stream that  
23 runs along the north-side of the mobile home park on the property and then turns and heads north to  
24 Cedar River, she said. Ms. Dolbee added that there are two category 2 wetlands: wetland A is  
25 located on the southwestern corner, while wetland B is on the northeastern corner of the site.

26 Ms. Dolbee stated that exhibit 2 notes the steep slopes along the south-side of the site which contain  
severe erosion and landslide hazards. There are also seismic hazards in the entire development area,  
she noted. Ms. Dolbee remarked that a small portion of the site is also located in the shoreline  
jurisdiction of the Cedar River (exhibit 19). The very corners of proposed lots 9 and 10 would fall in  
this shoreline jurisdiction, she said.

According to Ms. Dolbee, an environmental review was completed for the project and a mitigated  
determination of non-significance was issued with 12-mitigation measures. There was a 14-day  
appeal period that commenced on August 26<sup>th</sup> and ended on September 9<sup>th</sup> of 2011, but there were no  
appeals of the threshold determination, she noted. Ms. Dolbee mentioned that many of the 12  
mitigation measures listed in the environmental review addressed the critical areas on the site.

Ms. Dolbee stated that the applicant has requested two approvals: one for a preliminary plat and one  
for a planned urban development. She noted that each approval has specific review criteria, but do

1 include much overlap. Ms. Dolbee testified that PUDs requirements are meant to preserve natural  
2 features and encourage innovation in residential developments by permitting a variety of structures  
3 and improvements. The PUDs are meant to encourage superior design than what is provided for in  
4 the city code, she said. Ms. Dolbee commented that the density provisions of title 4 cannot be  
5 modified under this PUD application, thus the proposed subdivision does comply with the R-8  
6 designation (4-8 dwelling units per acre). However, she noted, 4.2, 4.4, 4.7, 4.6060 of the title code  
7 can all be modified to meet this PUD proposal.

8 According to Ms. Dolbee, in table A of the staff report, the modifications to the title requested by the  
9 applicant are listed. The applicant has requested a change in standard lot size from 4,500 to 2,319 sq.  
10 feet. She added that lot width's current standard is 50ft for interior lots and 60ft for corner lots, but  
11 the applicant wishes to change to 32ft for interior lot and 42ft for corner lots. Additionally, she noted  
12 that lot minimum depth is 65ft, but the applicant wishes to change lot 18 to 43ft (a corner lot) and lot  
13 26 to 61ft (southeast corner lot). She stated that all other lots would meet lot depth standards.  
14 According to Ms. Dolbee, the minimum front-yard setback is currently 15ft, but the applicant has  
15 requested a reduction to 10ft. In addition, she stated, the minimum side-yard along a street is  
16 currently 15ft, but the applicant has requested a reduction to 10ft and 5ft for lot 11 because it is along  
17 an access easement. She also testified that rear-yard setback is currently 20ft, but the applicant  
18 requested it be reduced to 10ft.

19 In table A there are three other requested modifications that were not requested by the applicant, but  
20 were proposed by staff, according to Ms. Dolbee. Staff feels these modifications are necessary to  
21 create a buildable development, she said. Ms. Dolbee stated that the first staff-proposed  
22 modification is to maximum building coverage. Staff recommends the 50 percent maximum building  
23 coverage be eliminated in order for the buildings to fit on the smaller lot sizes, she testified. Instead,  
24 Ms. Dolbee stated, staff wishes to utilize impervious coverage and setback standards to regulate mass.

25 Ms. Dolbee testified that a second modification proposed is to remove the requirement of a variety of  
26 lot sizes and widths because of the small size of the lots on the site. In order to maintain variation,  
staff recommends a modification to the residential design scale and bulk character section which  
would increase the standard of different models of homes from every 10 lots, to every 4 lots,  
according to Ms. Dolbee.

Ms. Dolbee stated that the applicant requested two road standard modifications. For Maple Valley  
Highway, the applicant has requested to not do frontage improvements, but only do curb/gutter and  
add a 5ft sidewalk, she said. However, Ms. Dolbee commented, staff does not approve this  
mitigation, but instead asked for 20ft right-of-way dedication, a 5ft sidewalk, an 8ft planting strip,  
and curb/gutter/streetlights designed to meet city arterial standards. The applicant also requested for a  
modification from residential access road standards, according to Ms. Dolbee. She remarked that,  
currently, the applicant requested a 33ft pavement from face-of-curb to face-of-curb with parking on  
one side and a 5ft sidewalk on the inside, which is along lots 18-34. Staff recommends a different  
modification (closer to city standards), she commented. According to Ms. Dolbee, staff asked that  
road A have a 40ft right of way, curb/gutter on both sides, 5ft sidewalk on both sides , 25ft pavement

1 section on both sides, and a 8ft planter strip on the west side. In addition, she noted, staff also asked  
2 that road B have a 30ft right of way, 20 ft. of pavement, parking on one side, curb/gutter on both  
3 sides, and an 8ft planter strip to the interior.

4 Ms. Dolbee testified that the second portion of the PUD criteria is the demonstration of compliance  
5 superiority. She stated that the proposed plat layout provides for a significant increase in residential  
6 safety from the high landslide hazards, it provides for many recreational amenities beyond code  
7 requirements, it increases the quality of the internal circulation system throughout the development, it  
8 enhances the critical areas with the addition of open space, and it is a significant improvement from  
9 the King County proposal.

10 According to Ms. Dolbee, table B of the staff report identifies the public benefits of this project. In  
11 regards to critical areas, more protection for these areas is provided by the proposal, she stated.  
12 Specifically, Ms. Dolbee noted that in wetland A there is a 50ft required buffer, along with the 22,000  
13 sq. ft. tract (tract E). The enhanced landslide protection can be seen in exhibit 5 (stream buffer map),  
14 she said. According to Ms. Dolbee, the addition of a 33ft roadway adds an 100ft buffer between the  
15 tow of the steep slopes and the potential future home. She noted that there is a debris-flow  
16 protection berm proposed that would gather the soils if there was a high-level landslide. Ms. Dolbee  
17 stated that the safeguards reduce the chance of life or property loss in a catastrophic event.

18 In regards to natural features, Ms. Dolbee stated that the existing development does encroach on the  
19 wetland and stream buffers in some places, but there is a mitigation plan provided. She remarked that  
20 the PUD would re-vegetate those areas where the existing development encroaches upon buffer areas  
21 already (such as the area north of the mobile park) with natural plantings. She concluded that the  
22 redevelopment would reduce the current impacts that already exist at the site. There are significant  
23 landscape enhancements which can be seen in exhibit 16 (the landscape plan). She noted that there is  
24 a large landscape buffer screen for Maple Valley Highway which exceeds the buffer requirement by  
25 10ft (dark green on exhibit 16). Tract J is a landscaped area behind the steep slopes on the eastern  
26 boundary, and it would be vegetated which is beyond code standards, she said. Additionally, she  
noted that tract E would be provided along the west-side of the site, which contributes to the  
aesthetics of the site. A 4,188 sq. ft. open-space park would be in the northwest corner of the interior  
of the site, she said. Ms. Dolbee commented that the applicant also proposes increased tree planting.  
There are currently 27 protected trees on the site, and the r-8 zone requires 30-percent tree protection,  
she said. According to Ms. Dolbee, the applicant would be retaining 2 trees and replacing 77 trees  
which exceed the code requirement.

22 In regards to overall design, Ms. Dolbee stated that there is a large amount of open space and  
23 recreation which exceeds code requirements by 2,488ft for park area and 6,931ft for open space. She  
24 noted that staff recommends lot-34 be swapped with the park lot in order to create a gateway feature  
25 and provide a more desirable home-location. She noted that this recommendation was included in the  
26 conditions of approval attached to the staff report. Ms. Dolbee also testified that staff recommended  
(as a condition of approval) that tracts E and C be combined along above the detention pond in order  
to create a more cohesive area and the possibility for a pedestrian walkway.

1 Ms. Dolbee noted that the proposed plat has a superior pedestrian circulation system with a soft-  
2 surface trail which can be seen in exhibit 4 (brown lines). She added that there would be sidewalks  
3 along the three roadways. In regards to sidewalks, Ms. Dolbee commented that the applicant  
4 proposed a tabletop design at the intersection of roads B and A to increase pedestrian safety. She  
5 noted that staff recommends all sidewalks are treated the same for the project, in order to create  
6 cohesiveness, avoid confusion, and maintain safety. Ms. Dolbee noted that the site will have superior  
7 vehicular circulation with the looped road system by allowing rear access to the internal lots.  
Additionally, the presence of alleys for vehicle circulation allows for a more pedestrian-safe  
environment, she said. She noted that fifty percent of the lots are accessed by alleys, in accordance  
with city code.

8 In regards to landscaping and screening, the topography to the east and south results in a natural  
9 screen for the development, according to Ms. Dolbee. She stated that plantings in the west will also  
10 provide screening for the development in that area. Ms. Dolbee added that the site is designed to  
11 allow for solar access for 27 of the lots, and all homes will be subject to design standards of a R-8  
zone. The proposed site plan is superior to Renton standards and the King County vested application.

12 According to Ms. Dolbee, the PUD criterion requires the interior site-design to be coordinated. The  
13 proposal achieves this through quality pedestrian and vehicular circulation, critical area protection,  
14 safety with buffering, and R-8 design standards, according to Ms. Dolbee. In order to meet the PUD  
15 circulation criteria, the proposal gains access from Maple Valley Highway, gives lots 1-8, 11-17  
16 access to road B, lots 9 and 10 gain access through tract d, and road c gives lots 18-34 access, she  
17 said. Ms. Dolbee noted that all of these roads are designed to handle emergency vehicles and traffic  
created by the project. She stated that a traffic impact analysis was completed and demonstrated the  
proposal meets city and state requirements. Ms. Dolbee noted that planter strips would provide area  
between pedestrians and vehicles, and a school bus-stop would be located on the west-side of road A.

18 According to Ms. Dolbee, there is no direct commercial development in the area, so the PUD  
19 criterion for pedestrian connections is irrelevant at this time. In regards to infrastructure and services  
20 criteria, the site would be served by City of Renton fire and Cedar River water and sewer district, she  
21 noted. Ms. Dolbee stated that a water line extension would be needed from the west, which would  
22 require a connection line through the stream buffer. This extension would be permitted in the code  
via a stream alteration approval, she commented. In addition, Ms. Dolbee noted that a detention pond  
is proposed in the northwest corner for storm-water runoff. She testified that the proposed  
infrastructure and services are sufficient, if the water connection is mitigated and all SEPA conditions  
are met.

23 In regards to the building orientation criteria, Ms. Dolbee remarked that the proposed layout  
24 maximizes the use of topography for views of the Cedar River. She added that parking for two  
25 vehicles on each lot is provided. Additionally, she noted that open space and recreation area  
26 requirements are exceeded. Private open space is required on each lot (15 ft. in each direction) and  
would be reviewed during building permit approval, she said. Ms. Dolbee reinforced that the

1 development does comply with the city's comprehensive plan. She added that staff has recommended  
2 that lots 8 and 11 have access to the utilities tract to reduce curb cuts along the corner of road B.

3 Upon questioning by the hearing examiner, Ms. Dolbee noted that King County has allowed Renton  
4 to process the site as one subdivision rather than dividing the property. There is no development  
5 occurring in the portion in King County because that portion has the stream area and severe landslide  
6 hazards. King County critical area standards have been applied for that portion of the land. She  
7 stated she is unaware if there is a better alternative for the water line extension. The King County  
8 vested plat application does not meet Renton lot width and depth standards. Ms. Dolbee testified that  
9 the minimum open space requirement calculation did not include the King County portion of the site.

10 Ms. Dolbee noted that there is a state program for relocation funds that is not run by the city. This  
11 program was mentioned in the mitigation measures. The developer would provide the funding, she  
12 noted, and the state requires a 1-year notification timetable if the development is moved forward.

### 13 **Applicant Testimony**

14 Courtney Kaylor, applicant's attorney, stated that staff has been very thorough and the applicant  
15 agrees with the recommended conditions. She noted that the applicant requests that mitigation  
16 measure 2 (page 10 of staff report) in regards to relocation agreements be reviewed because of a  
17 believed typo. The "and" needs to be removed from the sentence, according to Ms. Kaylor.

18 In regards to the conditions of approval, the applicant wishes to change the 2<sup>nd</sup> condition (page 35),  
19 relating to street standards, according to Ms. Kaylor. She stated that the applicant wants to change  
20 the 8ft landscape strip to a 6.5ft strip. Ms. Kaylor submitted exhibits 33-38.

21 Greg Diener, Pacific Engineering Design, testified that to the west of the site is the large Summerfield  
22 development, to the east there is no significant development, and to the south there is a large hillside  
23 (400ft tall slope). Furthermore, he noted there are two streams that drain towards the Cedar River on  
24 the site. One stream is unnamed, class 3 and drains in an overflow condition only, he said. This  
25 stream flows on the north-side of the mobile home, continues westerly to the Summerfield area, and  
26 then continues northerly. He stated that there is a wet-pond designed to have two primary overflows.  
The normal overflow is to go to the west towards the Summerfield Creek bed, and there is also a  
secondary pipe that drains to a 36-inch culvert that crosses the Maple Valley highway before  
ultimately reaching the Cedar River.

Mr. Diener stated that the area to be subdivided is 7.32 acres, and land currently holds a mobile home  
park, a maintenance building, and one duplex. He testified that there is an asphalt street that runs  
through the site, providing access to the mobile homes. Mr. Diener commented that the site is zoned  
R-12 in King County. He noted that there is a vesting application in King County, pending the  
resolution of this plat. The vested plat in King County was submitted in April, 2008 and determined  
complete by the county in May, 2008, added Mr. Diener. The 7.32 acres was annexed into Renton,  
thus the other vesting application was put on hold, he noted.

1 Mr. Diener stated that the PUD criterion in Renton requires the application to demonstrate superior  
2 development design and public benefit. He commented that the proposed development is 17-lots in  
3 the interior of road B, and 17 lots on the north-side and east-side of the curb-cuts (except in the utility  
4 tract). There will be a park in the northwest area, and the applicant is willing to meet the park-lot  
5 swap requested by the city. The detention and water-quality facility is located in the northwest area of  
6 the site. Mr. Diener noted that the maximum number of lots is 42, but the applicant is only proposing  
7 34. He testified that the modifications recommended by Ms. Dolbee and city staff have been  
8 incorporated into exhibits by the applicant. Mr. Diener stated the road-section B would have a 1-ft  
9 reduced landscape which remains in the 33ft proposed right-of-way, as requested earlier by Ms.  
10 Kaylor. In regards to the city's request for a landscape strip along road A, instead of a second  
11 sidewalk, the applicant notes that it is not an undesirable proposal, but it would ruin the proposed  
12 tabletop sidewalk design to the south of road A.

13 Mr. Diener said that utilities would be provided by the Cedar River water and sewer district. There  
14 are two existing wells on the site, he noted. According to Mr. Diener, one well will be abandoned  
15 and the other would be retained for landscape and irrigation purposes. He testified that the only water  
16 connection for the site is located on the west side. Thus, he testified, the applicant proposes creating  
17 a connection across the existing unnamed stream in order to connect to the main water-line. The  
18 applicant proposes to do this within city code without causing major impacts to the stream, according  
19 to Mr. Diener. He also noted that the sewer runs from the middle of the west of the site and crosses  
20 the site at an angle and meets Maple Valley Highway. He concluded that all connections could be  
21 made to this existing sewer line.

22 Mr. Diener testified that a water retention pond is proposed for the northwest corner of the site. The  
23 level 2 detention pond allows for very small, allowable release rates, he commented. Mr. Diener  
24 stated that the pond would drain to a ditch, which would then flow to a 36-inch culvert located at the  
25 northwest corner of the site. The proposed pond depth overall would be 10ft with 5.5ft of detention  
26 storage and 4ft of water quality, he said. He added that there is a recommendation to put a fence  
around the pond in order to meet safety standards.

Upon questioning by the hearing examiner, Mr. Diener noted that there is not another place for a  
water connection that is feasible. Without the stream-crossing connection, a water connection would  
have to be run across the site to SR-169 and would still probably cross the stream at some point.

Glen Takagi, applicant's landscape architect, stated that the paved circulation system, including a bus  
stop, along with the soft-paving system provide great linkage throughout the site. The trail system  
has the potential for benches and descriptive markers, he noted. Mr. Takagi testified that the open  
space features of the site plan add to the strong residential character of the PUD. The open spaces  
provide all of the perimeter buffering and give green strips to the Maple Valley Highway, he noted.  
He also suggested there is potential, additional space for play area beyond just the planned park. Mr.  
Takagi commented that native plants would be chosen for the space based on hardiness and beauty,  
along with their potential for establishing wildlife in the area. He added that the retention pond will  
be secured with a black vinyl fence along the water line.



1 The park would be centrally located for easy access. The park would have a fence enclosure with a  
2 play structure, picnic tables, and lawn space, he said. He testified that all of the same amenities  
3 could be included if the park was swapped with a lot, as requested by the city staff, but it would be  
4 slightly smaller. Mr. Takagi concluded that the space is laid out well and will benefit both the public  
5 and residents. Upon questioning by the hearing examiner, Mr. Takagi noted that in changing the park  
6 lot, 800ft of open space would be lost. This space loss is due to it no longer being a corner lot, he  
7 noted.

8 Vince Geglia, traffic engineer for the project, stated that he is a member of the institute of  
9 transportation engineers and has been practicing in the Puget Sound area since 1986. He noted that  
10 there would not be a significant increase in traffic with this development because the mobile home  
11 traffic would be subtracted from the net increase gathered by the single-family homes. The net  
12 increase would be 6-trips in the critical, peak hour, and, during an average 24-hr day, it would be 89  
13 trips. He noted that the access to SR-169 was already improved several years ago and provides  
14 excellent access to the site with 5-lanes. Mr. Geglia testified that historical accident data showed no  
15 unusual accident activity in the area. He noted that the road-way is fairly flat and level along SR-169.  
16 A right-turn pocket would be constructed for vehicles entering the site, and within this deceleration  
17 lane, there would be a bus stop, according to Mr. Geglia. Additionally, Mr. Geglia commented that there  
18 would be a transportation mitigation fee paid to the city to support the city's road improvement  
19 program.

20 Ed Sewall, applicant's wetland consultant, stated he has worked as a wetland consultant in the state of  
21 Washington since 1991. He noted that he was hired in 2008 when the project was within King  
22 County. He testified that they completed the critical area study and wetland delineation for the  
23 project at that time. Mr. Sewall commented that wetland A is in the southwest corner of the site and  
24 is a category 2 wetland. Wetland B is also a category 2 and is in the north of the site. There is a  
25 stream that runs in a disturbed condition behind the mobile home park, flowing to the west, toward  
26 SR-169. He noted that in 1995-1996, he previously worked with this stream and it was classified as a  
class 3 stream (intermittent stream with no fish-use) on the north side of the highway which is in King  
County. Although a King County class-3 stream would normally be a class-4 stream for the city of  
Renton, Renton has it mapped as class-3.

Mr. Sewall testified that the proposed project would maintain the wetlands and their 50-ft buffers,  
with no impacts. In addition, Mr. Sewall noted that the normal 75-ft stream buffer would be reduced  
through enhancement to 60-ft. The existing mobile home park abuts the stream, so in the present  
state there is no buffer along the north-side of the stream, he said. Thus, the addition of any buffer  
would be an improvement, according to Mr. Sewall. He testified that the proposal would provide a  
60-ft enhancement buffer in this area which would result in new plantings and the soil decompacting.  
Mr. Sewall noted that the criteria for the utility crossing in the stream can be found in code  
44050L8bi. He stated the applicant feels they can meet the criteria with minimum impact to the  
stream. The criteria will be dictated by a HPA, and any impacts to the stream will be mitigated and  
restored, he commented. Mr. Sewall concluded that the overall critical area mitigation plan should  
mitigate any impacts and improve the water areas on site.

1 Rob Ward, applicant's geotech engineer, stated he has been practicing in the Puget Sound area since  
2 1986. He noted that he completed a study of the site in 2008 and has provided update letters since  
3 that period. He testified that, in order to conduct their study, his team first completed geological  
4 research of the area by reviewing information collected in 1986 for the Summerfield development,  
5 and then they came on-site and did soil work.

6 Mr. Ward stated that the slopes to the south and east of the site are very steep until they rise-up and  
7 become flat. He commented that the area to be developed is fairly flat. The geology goes from top-  
8 to-bottom and near the top is glacial till, according to Mr. Ward. As you move down, all the soils  
9 remain glacial, but turn into silt soil, he said. Mr. Ward noted that the very bottom soil is river  
10 deposits and the intermediate soil is mass-wastage. Because of the glacial nature of the slopes, they  
11 are very dense and the core is very stable, according to Mr. Ward. He testified that the chance of a  
12 deep instability is very remote. He added that the basic issues of steep slopes in the Puget Sound  
13 area are skin slides (mud slides). The skin slides are results of large amounts of rain and are a typical  
14 problem in the Puget Sound area. There has been no evidence of skin slides in the slopes in this  
15 development area, he stated. Mr. Ward remarked that King County's default, required buffer is 50ft  
16 and the building setback is 15ft (so the overall setback is 65ft). Based on the geotech findings, Mr.  
17 Ward recommended a 25ft buffer and 15ft setback for the eastside and maintenance of the 60ft buffer  
18 to the south along with various setbacks (although it could have been smaller) along the development  
19 site. Mr. Ward added that the pan-handle section of the site, located in King County, has various  
20 issues with potential for debris flow which OTAK will discuss. He concluded that the setbacks are  
21 above and beyond what is needed for geotechnical issues.

22 Russ Gaston, applicant's water resource engineer, stated he manages a water resources group for  
23 OTAK. He noted for this project they led the analysis of risk of debris flow and mitigation measures  
24 for this debris flow. Mr. Gaston testified that he was supported by Gary Wolf, a senior hydraulics  
25 engineer, and Bret Jordan, who specializes in analyzing stream flow and sediment transport. Both of  
26 these men are highly qualified in their areas of expertise, according to Mr. Gaston. He noted that his  
team produced a report which characterized the site's water sediments. He stated they used models to  
establish if there was enough capacity to transport sediment and quantify the volume in the unnamed  
tributary stream.

Mr. Gaston stated that there was concern about the existing retention pond's overflow into this  
unnamed stream. He noted that this pond, the Woodburn pond was designed by OTAK, and the  
major outfall from the pond is to Summerfield Creek. However, there is an additional, emergency  
overflow from the pond into the unnamed stream on McCormick plat. In order to engage this  
emergency overflow, the Summerfield Creek overflow would have to be completely plugged, he  
stated. If this did happen, the maximum flow into the unnamed stream would be 12.7cfs, Mr. Gaston  
commented. He testified that a dam-break analysis was also completed, but the analysis  
demonstrated that a potential dam-break was not the worst-case scenario. The plugged overflow to  
Summerfield Creek remained the worst-case scenario.

1 In addition, Mr. Gaston stated that the stability of the stream/ravine was tested by dividing it into 6  
2 storage reaches. He remarked that two conditions were evaluated: what is there today and what  
3 would happen if water flowed from Woodburn pond. According to Mr. Gaston, Reach 1 would  
4 become a source of sediment flow, Reach 2 would create a depositional for sediment, Reach 3 would  
5 transport sediment, Reach 4 would be a sediment source, Reach 5 would be a storage facility because  
6 of its width, and Reach 6 is a transport reach with sediment being moved out. His team concluded  
7 that there is a potential for debris flow (as much as 2300 cubic yards), he said. Thus, Mr. Gaston  
8 stated, they designed a mitigation berm that would follow the south side of the McCormick plat. The  
9 berm would be 5ft high and designed to have traffic on top of it. Under normal storms conditions,  
10 only 750 cubic yards of debris flow would be transported there, but if the full 2,300 cubic yards (an  
11 unlikely feat) was reached, the berm could be dredged out, he stated. Upon questioning by the  
12 hearing examiner, Mr. Gaston noted that the berm would be composed so that it would not erode and  
13 would not be made of natural materials.

14 Courtney Kaylor, applicant's representative, corrected her earlier statement that the applicant was  
15 requesting a reduction of the width of the landscape strip to 6.5ft. Instead, the applicant is requesting  
16 a reduction to 7ft, she noted. The PUD proposal provides a superior design and public benefit, thus  
17 meeting the city's criteria for approval, according to Ms. Kaylor. Furthermore, the current proposal is  
18 superior to the previous proposal to King County and provides for greater impact mitigation. She  
19 noted some of the features of the new proposal: greater open space than required, more natural  
20 vegetation, better circulation, soft-surface trails, a school bus-stop, critical area impact mitigation, and  
21 more.

## 22 **Public Testimony**

23 Herbert Wendland stated he is concerned about the lack of a timetable for the project. He noted he  
24 has lived in the mobile home park for 12 years. As a senior citizen, he fears being kicked out of his  
25 home and having to find a new place to live. He also voiced concern about whether or not relocation  
26 funds will be provided. Mr. Wendland commented that the residents of the mobile home park have  
been waiting for answers to their concerns for a long time and need these answers in order to prepare  
for the future.

Sandra Workman stated that there is a stream that goes through several of the mobile home lots. She  
stated that when the stream freezes it makes the whole entryway of the mobile home park icy and  
dangerous.

Barbara Workman testified that she does not understand the timing of the development. She noted  
that her mobile home is too old to be moved off the property. She further commented that the  
procedure for relocation reimbursement has not been made clear to the current residents.

## 25 **Staff Rebuttal**

1 Kayren Kittrick, development and construction engineer for Renton, stated that the city does not wish  
2 to make modifications to the road plans until construction plans are presented to the city. She noted  
3 that the city wishes to maintain the street standards dictated for the roads in the current proposal. She  
4 reinforced that the city wants to follow what has been laid out in the staff report documents. The city  
wishes for any additional changes to be handled administratively once construction documents have  
been provided, according to Ms. Kittrick.

5 Upon questioning by the hearing examiner, Ms. Kittrick noted that the city does not wish to change  
6 the 8ft landscape strip standard to 7ft at this time, despite the request made by the applicant. The city  
7 does not want to deviate from what has already been discussed, according to Ms. Kittrick. She noted  
8 the city will have the ability to make minor conditional changes (such as this landscape strip length)  
once the preliminary plat has been approved.

9 Vanessa Dolbee, senior planner for city of Renton, stated that both the open space calculation and the  
10 density calculation were made based on the 7.32 acres within Renton (excluding the King County  
11 portion of the site). In regards to the applicant's request for a word change to mitigation number 2 in  
the staff report, Ms. Dolbee noted that the word change actually occurs in mitigation number 11 sub 2  
of the report.

## 12 **Applicant Rebuttal**

13 Courtney Kaylor stated that the applicant is in agreement with staff in regards to the road  
14 improvement mitigations. She testified that, for the applicant, the most important point is that the  
15 improvements need to be contained in the proposed right-of-ways. The applicant agrees to leave the  
finalization of landscape strip lengths to construction period.

16 Ms. Kaylor further testified that the applicant has no imminent plans to issue the 1-year notice of  
17 eviction to residents. She noted that the subdivision and PUD approvals are in effect for up to 5-years  
18 and can be extended for an additional year upon request. She stated that the owner of the property  
19 will have the park manager provide more information to current residents. In regards to relocation  
20 costs, the state of Washington's department of commerce has a program to pay relocation costs to  
21 manufactured home-park owners that are living in parks that are being closed, according to Ms.  
22 Kaylor. She confirmed that the program provides for reimbursements up to certain amounts  
depending on the size of mobile home. She noted that the applicant has agreed to provide the  
relocation payments upfront so the residents do not have to go through the process of requesting the  
reimbursement from the state. This has been included as a voluntary condition of approval in the  
staff recommendation.

23 Upon questioning by the hearing examiner, Ms. Kaylor noted the state provides reimbursement of up  
24 to 7,500 dollars for a single-home and 12,000 for a double-home. There are standards and  
25 requirements in the state law as to what types of expenses are reimbursed. She added that the  
26 residents must provide proof of income parameters in order to qualify for relocation. Additionally,

Ms. Kaylor stated that the property owner has contacted the Wonderland Park which is located nearby the McCormick plat, and the Wonderland Park has mobile-home lots available.

### **Exhibits**

The December 22, 2010 staff report Exhibits 1-32 identified at pat 3-4 of the staff report were admitted into the record during the hearing. The following additional exhibits were also admitted into the record during the hearing:

- Ex. 33: Staff power point presentation.
- Ex. 34: CV's of Greg Diener, Vincent Geglia, Edgar Sewall, Robert Ward, and Russ Gaston.
- Ex. 35: December 8, 2010 letter from Debora Gilroy to Collin Barrett
- Ex. 36: June 24, 2011 and August 2, 2011 letters from Courtney Kaylor to Vanessa Dolbee.
- Ex. 37: Project's Compliance Statement
- Ex. 38: Road A and B cross sections

### **FINDINGS OF FACT**

0.5 Applicant. Robert E. McCormick

#### **Procedural:**

1. Hearing. The Examiner held a hearing on the subject application on January 5, 2011 at 9:00 am in the City of Renton Council Chambers.

2. Project Description. The applicant, Robert McCormick, is requesting a Preliminary Plat and Preliminary Planned Urban Development (PUD) for a 34-lot, 9-tract subdivision of an 11.59 acre site. The applicant also proposes to reduce portions of a Class III stream buffer from 75 to 60 feet and to alter a stream buffer in order to accommodate the crossing of a water line.

The proposed McCormick Plat would be located along the south side of Maple Valley Highway (SR-169) at 16405 SE Renton-Maple Valley Road (parcel #2323059029). The site consists of one parcel, the majority of which is located within the City of Renton. However, a long, narrow "dog leg" extends southward off the southeastern side of the rectangular portion of the site; this portion is within unincorporated King County, which is not proposed to be developed. The site is currently the

1 location of the Valley View Mobile Home Park, which provides space for approximately 40 mobile  
2 homes. In addition to the mobile homes and multiple out buildings on site, there are two permanent  
3 structures, a duplex and maintenance building. The applicant proposes to remove all existing  
4 structures, and mobile homes. The site is bordered to the north by Maple Valley Highway (SR-169),  
5 to the west by the Summer View neighborhood, a single-family residential subdivision, and to the  
6 south and east by undeveloped forested areas.

7 The proposed subdivision would result in 34 lots ranging in lot size from 2,444 square feet to 3,421  
8 square feet, as more specifically described in Table C of the staff report, resulting in a net density of  
9 6.33 dwelling units per acre. Nine tracts are also proposed which include stormwater detention, native  
10 growth protection areas, access and utilities, open space, and critical areas. In addition to the  
11 traditional subdivision lots and tracts, the applicant has proposed a looped trail around the site which  
12 crosses Open Space tracts E and C and a small tot lot with a play area.

13 The subdivision would gain access from Maple Valley Highway at one access point, identified as  
14 “Road A”. Road A connects to a looped road, “Road B”, which provides access throughout the  
15 development. Proposed Lots 1 – 8, and 11 – 17 are directly accessed off of Road B. Proposed Lots 9  
16 and 10 would gain access via an access and utilities tract, identified as Tract D. Proposed Lots 18 -  
17 34 would be accessed via a proposed alley, “Road C”. In addition, a 20-foot wide right-of-way  
18 dedication is proposed along the frontage of SR-169. Road improvements including sidewalks on  
19 both sides of Road A, and on one side (the inside) of Road B are proposed. Street frontage  
20 improvements are not proposed along SR 169.

21 Pursuant to the City of Renton’s critical areas maps, a stream, steep slopes, erosion hazards, landslide  
22 hazards, seismic hazards, and wetlands have been identified on the subject property. The geotechnical  
23 hazards located on the site are due to the steep slope inclinations, soils generally susceptible to  
24 erosion, and history of landslides in the area. The critical areas map indicates that the approximate  
25 northerly portion of the rectangular area of the site is within a Seismic Hazard area. In addition, the  
26 northeast corner of the site is located within the 200-foot Shoreline Area measured from the Cedar  
River, which is located across Maple Valley Highway. The shoreline area impacts proposed Lots 9  
and 10; Lot 10 would be approximately 170 feet from the ordinary high water mark (OHWM) and  
Lot 9 would be approximately 190 feet from the OHWM. The “dog leg” portion of the site, located in  
King County, would be subject to King County critical areas regulations, KCC 21A.24, whereas the  
remainder of the site would be subject to City of Renton critical areas regulations. King County  
Sensitive Areas Maps indicate that the subject site is located in a Critical Aquifer Recharge Area and  
is an area susceptible to ground water contamination. The City’s critical areas maps do not identify  
this area for Aquifer Protection.

27 The developed portion of the existing mobile home park has an approximate slope of 9 to 10 percent  
28 sloping in a southeast-to-northwest direction. As this portion of the site remains within the Landslide  
29 and Erosion Hazard area, it is the mildest slope on site. The property is bounded to the south and  
30 southeast by steep slopes that extend down from the Renton uplands. The steep slope at the southeast  
31 corner of the site, ranges from about an elevation of 230 feet down to the toe-of-slope to an elevation

1 of 160 to 180 feet, and averages about a 100 percent grade. Similarly, the steep slope adjacent to the  
2 south side of the mobile home park that extends above the creek is well over 100 feet high and has an  
3 average slope of about 100 percent. The applicant has proposed a Debris Flow Mitigation Berm  
4 along the base of the steep slope located on the southern border of the site to divert water and/or soil  
5 within the stream buffer toward the western side of the site in the event of a landslide or mudslide. In  
6 addition, a 25-foot buffer from the southeastern slope is proposed for landslide protection for lots 14  
7 – 17. The applicant has indicated that grading the site would be necessary to meet the stormwater  
8 requirements. The applicant has indicated the total excavation would be 8,248 cubic yards and fill is  
9 estimated at 7,924 cubic yards. The soil that is usable from the excavation on site would be utilized  
10 on site, other materials such as selected borrow and gravel are expected to be imported to the site.

11 The applicant submitted with the application a Revised Critical Areas Report, prepared by Sewall  
12 Wetland Consulting, Inc. dated April 12, 2011. This report indicates there are two wetlands located  
13 on site, both identified as Category 2 wetlands, per the City of Renton classification system. Wetland  
14 ‘A’ is located along the west side of the site and Wetland ‘B’ is located along the northeast edge of  
15 the site. Category 2 wetlands typically have 50-foot buffers. The Critical Areas report further  
16 identifies a single intermittent stream that flows through the site. The subject stream is a Class 3  
17 stream and was designated as a Type N stream by Bill Kershke, King County Biologist, in his review  
18 of the feature. Class 3 streams typically have 75-foot buffers measured from the OHWM. The  
19 applicant has proposed to reduce the stream buffer from 75 feet to 60 feet for the majority of the  
20 buffer area. In addition, the applicant initially requested a variance to place a water line through the  
21 stream buffer to connect to an existing 10-inch water line stub provided by the neighboring Summer  
22 View neighborhood. Staff subsequently determined that the applicant’s request could be handled by  
23 an alteration of stream buffers authorized by RCW 4-3-050(L)(8)(b).

24 The area of the site that is currently developed as a mobile home park consists of ornamental plants  
25 placed by residents of the mobile home park in addition to a few large conifer trees which are  
26 scattered about the site. The steep slopes on site are covered with dense understory vegetation  
consisting of mostly sword ferns and an upperstory of scattered big leaf maple trees. The wetland and  
stream areas of the site consist mainly of reed canary grass, creeping buttercup and a few small alders.

The modifications requested to development standards under the PUD application are identified in  
Table A and Table C of the staff report, incorporated by this reference as if set forth in full.

3. Adequacy of Infrastructure/Public Services. The project will be served by adequate  
infrastructure and public services as follows:

- A. Water and Sewer Service. Water and sanitary sewer service for the development would be  
provided by the Cedar River Water and Sewer District. Water and Sewer availability  
certificates will be required from the Cedar River Sewer District prior to final plat  
approval. Based on the submitted Conceptual Site Plan (Sheet PO4) (Exhibit 4), there is  
an existing sewer main located on the west side of the development. The applicant has  
proposed to connect to this existing main and extend an 8-inch sanitary sewer line to

1 provide sewer to the development. This plan sheet also identifies a 10-inch water line  
2 extension from the Summer View Plat located to the west. This extension would be  
3 required to be constructed through the stream buffer. With receipt of the water and sewer  
4 availability certificates, the development would provide sufficient service to the lots.

5 B. Fire Protection. Fire protection would be provided by the City of Renton Fire Department.  
6 Per the City Fire Chief, all lots are required to be sprinklered. Therefore, as a condition of  
7 approval the applicant be required to revise the utility plan to depict a 1-inch water meter  
8 to all lots. The revised plan shall be submitted to and approved by the Plan Reviewer  
9 prior to Final Plat recording.

10 C. Drainage. In conjunction with the City's stormwater regulations, the proposal mitigates  
11 all significant drainage impacts. New impervious surfaces would result in surface water  
12 runoff increases. The applicant submitted a Preliminary Drainage Report ("Drainage  
13 Report") with the project application (Exhibit 29). The applicant has proposed a  
14 detention/wet pond to be located in a separate tract in the northwest corner of the site for  
15 stormwater detention and water quality treatment. The Drainage Report indicates that  
16 runoff from roof drains, yards, and driveways would be collected and conveyed to a  
17 drainage system under the proposed roads that would convey stormwater to the proposed  
18 detention/wet pond. The pond is proposed to be a combined detention and water quality  
19 pond, with permanent storage in the bottom of the pond, and live flow control storage  
20 above the dead storage. The pond has been designed to provided Level 2 flow control and  
21 basic water quality treatment. The proposed design of the detention pond would provide  
22 at least 59,500 cubic feet of storage. The detention facility would release the storm water  
23 to its natural discharge location at the northwest corner of the site to the south roadside  
24 ditch of Maple Valley Highway (SR-169).

25 D. Parks/Open Space. The project provides for more than adequate parks and open space.  
26 In addition to private open space provided on each proposed lot, the applicant has  
proposed to provide a 4,188 square foot park which would include a play structure and  
two picnic tables, a soft surface looped trail system through the development, and a 21,634  
square foot open space tract. The proposed park area exceeds the code standards by 2,488  
square feet and the open space standards by 6,931 square feet. The overall passive and  
active recreation opportunities proposed for the subject development are beyond the  
standard code requirements. The proposed open space and recreation on the site provide  
the opportunity for both passive and active recreation. The soft surface trail is proposed to  
have benches and interpretive signage, which would result in a nature trail type of facility.  
The looped trail system is approximately 1/3 of a mile long, offering the opportunity for



1 more strenuous exercise such as jogging. The open lawn proposed in the Tract E provides  
2 a space for such activities as kick ball or Frisbee, but could also be used as a quiet place to  
3 listen to the river and read a book. The park area provides for both passive and active  
4 recreation by offering both a play structure and picnic tables. The varieties of recreation  
5 opportunities proposed throughout the development create a mix of choices, appealing to a  
6 large spectrum of people. However, it should be noted that the benches and interpretive  
7 signage mentioned in the applicant's PUD Compliance Statement are not reflected on the  
8 Landscape Plan or the Plat Plan, as such staff recommends a condition of approval that the  
applicant provide a detail of the proposed final bench and signage design and location as a  
part of the final detailed landscape plan. These details shall be submitted and approved by  
the Current Planning Project Manager prior to final PUD approval.

9 The park is located on the northwest corner of the internal set of lots, aligning just west of  
10 the access road A. Proposed Lot 34, which is immediately east of the park, is centrally  
11 aligned with Road A. Once a home is constructed on Lot 34, all vehicular trips accessing  
12 the development would drive directly at the home on Lot 34, shining headlights into their  
13 front windows. The impacts to Lot 34 could be resolved by adjusting the location of the  
14 proposed park, to be situated to align with Road A, thus moving Lot 34 to the western  
15 corner of the internal Road. Furthermore, this location for the park would create a  
16 "gateway" to the neighborhood, increasing the overall design of the development. As such,  
a condition of approval will require that the park be moved east by one lot to align with  
Road A, and adjusting Lot 34 to be the northwest corner lot of the internal portion of the  
development. At hearing the applicant did not object to this condition.

17 The Open Space Tract E and Tract C are separated by the detention pond Tract A. The  
18 connection between Tract E and C could be stronger and create a higher quality and  
19 cohesive open space system by decreasing the grades near the top of the pond, to allow for  
20 landscaping and pedestrian access for a portion of the pond area. This in turn could result  
21 in moving the fence to a lower section of the pond, removing the visual obstruction  
22 created by the fence. The end result would be a high quality open space system,  
23 incorporating the detention facility into the design of the overall development. A  
24 condition of approval will require that the detention facility be re-designed to become an  
integral part of the open space system of the development. The design shall meet the  
City's stormwater requirements and shall be reviewed and approved by the City of Renton  
Current Planning Project Manager, prior to final PUD approval.

- 25 E. Pedestrian Circulation. The proposed preliminary plat provides for a superior pedestrian  
26 circulation system. In addition to the proposed soft surface pedestrian path, the applicants

1 have proposed sidewalks along Road A, Maple Valley Highway and on the interior of  
2 Road B. In addition, the applicant has proposed to provide a tabletop design at the  
3 intersection of Road A and Road B with alternative paving to provide for a safe pedestrian  
4 crosswalk. This intersection is a key connection to the proposed school bus stop located  
5 along Maple Valley Highway. In addition to the aforementioned cross walk, the looped  
6 trail includes two additional cross walk locations to connect the loop. These two locations  
7 are both located on Road B. Based on the application materials, these two cross walks  
8 would not be designed with alternative paving as proposed for the cross walk located at  
the intersection of Road A and B. A condition of approval will require that all crosswalks  
in the development are designed with the same alternative paving, to provide consistency  
in crosswalk design throughout the development ensuring pedestrian safety.

9 F. Interior Vehicle Circulation. In addition to superior pedestrian circulation, the proposed  
10 preliminary plat also provides for a superior vehicle circulation system. The looped road  
11 system which is made possible by the requested code modifications provides for improved  
12 emergency access as well as eliminates a dead end road. The looped road system provides  
13 for better onsite traffic circulation and allows for a public alley to access proposed Lots 18  
14 – 34. The presence of the alley allows for 50 percent of the development to have alley  
15 loaded garages, reducing the number of curb cuts through the sidewalk system, improving  
the pedestrian circulation system. Furthermore, the presence of an alley provides for  
screening of the parking facilities/garages for 50 percent of the lots on the site.

16 G. Off-Site Traffic Improvements. No off-site mitigation is necessary except for a right turn  
17 pocket, taper or radius per WSDOT design standards on SR 169 at the site access street.  
18 The traffic study, Ex. 21, concludes that the proposal will result in an increase of 89  
19 average daily trips over the traffic generated by existing development (which will be  
20 removed). As further concluded, no intersections or street segments in the City of Renton  
21 would experience an increase in traffic over 5%. The only off-site improvements found  
22 necessary in the report are the aforementioned SR 169 improvements to provide for access  
to the project site. Consequently, off-site impacts are adequately covered by the  
transportation mitigation fee. The infrastructure improvements recommended in the  
traffic report are required by the MDNS conditions of approval.

23 4. Adverse Impacts. Since the project provides for adequate infrastructure and public services,  
24 the only remaining impacts to be considered are to critical areas and affordable housing. All impacts  
25 to critical areas have been thoroughly assessed and completely mitigated, as identified in the  
26 Environmental Review Report, Ex. 30, adopted by this reference as if set forth in full. The mitigation  
measures recommended by staff in the Environmental Report are adopted as conditions of approval.  
Adoption of Ex. 30 encompasses both the findings of fact and the conclusions of law of staff. All

1 other adverse impacts discernible from the record are also fully mitigated. Some of the more  
2 significant issues and modifications to the Environmental Report as well as adverse impacts not  
3 addressed in the Environmental Report are addressed below:

4 A. Affordable Housing. The proposal will adversely affect affordable housing by forcing the  
5 relocation of the mobile homes in the mobile home park. The relocation assistance  
6 voluntarily provided by the applicant and adopted as Condition 11 of the SEPA MDNS is  
7 the most the City can legally do to mitigate the impacts of the project on affordable  
8 housing. As noted by the applicant in Ex. 36, *Guimont v. Clark*, 121 Wn.2d 34 (1992)  
9 stands for the proposition that mobile home park owners cannot be made responsible by  
10 state statute (and by extension, permit conditions) to pay for relocation costs because this  
11 places a disproportionate burden upon park owners to handle the societal problem of  
12 housing affordability. Any permit condition that made the applicant responsible for the  
13 entirety of these costs would violate the substantive due process rights of the applicant.

14 B. Debris Flow Mitigation Berm. An extremely significant condition of approval in the  
15 SEPA MDNS requires the installation of a debris flow mitigation berm. As discussed in  
16 the Environmental Report the steep slopes adjoining the project site have been subject to  
17 numerous landslides. In 1990 a landslide resulted in \$100,000 damage to the existing  
18 mobile home park. The berm condition is the result of a geotechnical report prepared by  
19 the applicant, a peer review and then additional study completed in response to the peer  
20 review. The SEPA conditions of approval require the berm to be maintained so that its  
21 effectiveness is not compromised by the buildup of soils from debris flow events. The  
22 conditions of approval require a maintenance plan to be included in the project CC&Rs.  
23 This condition will be modified to require that it (and all other required CC&R conditions)  
24 cannot be amended without the consent of the City.

25 C. Stream Mitigation. It is significant to note that even though the applicant requests a  
26 decrease in stream buffer width to 60 feet from the required 75 feet for portions of the  
Class III streams that the project mitigation and enhancement will result in an overall  
increase in stream/lake/riparian ecological function. The existing uses of the property  
have significantly degraded existing buffer areas. Project mitigation will enhance these  
areas and remove invasive species. Mitigation includes the removal of paved and  
impervious surfaces within the buffer area, the soils disked and then replanted with a mix  
of native trees and shrubs.

D. Tree Retention. As discussed in the Conclusions of Law, below, it is unclear whether the  
tree retention plan is consistent with the City's tree retention requirements and the

conditions of approval will require further analysis. The site contains a total of 49 trees of 6-inch caliper or larger, 4 are within the proposed public right-of-way, and 18 are located in critical areas and their buffers. The applicant proposes to plant approximately 77 new trees on site.

The applicant's conceptual landscape plan did not include an exact numbers of trees, shrubs, or groundcover and it did not include specific locations for the shrubs and ground cover. As such, a condition of approval will require that the applicant provide a detailed final landscape plan that shall be submitted and approved by the Current Planning Project Manager prior to final PUD approval.

E. Floodplain. The project is not located within a floodplain, as shown by the FEMA map attached as Exhibit C to the preliminary drainage report, Ex. 29.

5. Superiority in Design. The proposed PUD design is significantly superior to that which would be allowed under applicable subdivision regulations. The contrast in designed is heightened by the fact that the applicant has a vested subdivision application with King County under King County's rural development standards.

The vested King County application, City file number LUA08-068, is also for a 34-lot subdivision. The subject property was annexed into the City of Renton shortly after the applicant vested the subdivision application with King County. Once annexed to the City of Renton, the responsibility of processing the plat application was transferred to the City of Renton. Under the vested application many "non-urban" standards would be permitted as a part of the development, in addition to the applicant's ability to develop to a higher density than permitted under Renton zoning.

The vested subdivision uses cul-de-sacs rather than a looped road system where many homes would be alley loaded. The new application would provide vertical curbs, sidewalks, a trail system, vegetative buffering from Maple Valley Highway, and increased Critical Area protection over the vested application. The subject PUD proposal represents a unique situation, as the comparison for public benefit, in this case, should be balanced by not only the existing City of Renton regulations, but also the vested King County standards.

The development of this site as a PUD results in a superior design than would result by the vested King County application for many reasons. First, the proposed plat layout provides for a significant increase in resident safety from the high landslide hazards affiliated with the slopes to the south, due to increased separation from the landslide hazard by the proposed looped road system. Second, the plat would provide for many recreational amenities beyond the code requirements. Third, the plat layout significantly increases the quality of the internal vehicle and pedestrian circulation system throughout the development. Fourth, the additional open space area enhances protection to critical areas. Fifth, the applicant proposes significantly more landscaping than required by City standards. This proposed design can provide for the aforementioned amenities because of the development standard modifications recommended by staff in Ex. 31.

6. Public Benefit. The proposal provides several public benefits as detailed in Table B of the staff report, adopted and incorporated by this reference as if set forth in full, excluding the discussion of tree retention on p. 17 of the staff report.

### Conclusions of Law

1. Authority. RMC 4-7-020(C) and 4-7-050(D)(5) provide that the Hearing Examiner shall hold a hearing and issue a final decision on preliminary plat applications. RMC 4-9-150(F)(8) authorizes the Examiner to conduct hearings and make final decisions on planned urban development applications.

2. Zoning/Comprehensive Plan Designations. The subject property is zoned Residential 8 dwelling units per net acre (R-8) and the portion located in King County is zoned Rural Area, 1 dwelling unit per 5 acres (RA-5). The proposed development would be within the R-8 zone and the King County portion would remain undisturbed. R-8 development standards would be applicable to the subject project. The comprehensive plan map land use designation for the portion of the site within the City of Renton is Residential Single Family.

3. Review Criteria. The Renton Municipal Code does not clearly identify the criteria the Examiner must apply in assessing a subdivision or a PUD. Chapter 4-7 RMC governs the criteria for subdivision review and RMC 4-9-150 governs PUD criteria. Without any more specific code guidance, the Examiner concludes that he must find that all applicable criteria in Chapter 4-7 and RMC 4-9-150 must be satisfied for preliminary plat and PUD approval. Applicable standards are quoted below in italics and applied through corresponding conclusions of law.

**RMC 4-7-080(B):** *A subdivision shall be consistent with the following principles of acceptability:*

*1. Legal Lots: Create legal building sites which comply with all provisions of the City Zoning Code.*

*2. Access: Establish access to a public road for each segregated parcel.*

*3. Physical Characteristics: Have suitable physical characteristics. A proposed plat may be denied because of flood, inundation, or wetland conditions. Construction of protective improvements may be required as a condition of approval, and such improvements shall be noted on the final plat.*

*4. Drainage: Make adequate provision for drainage ways, streets, alleys, other public ways, water supplies and sanitary wastes.*

4. As modified by the PUD regulations, the lots will comply with all requirements of the Zoning Code. As noted in the project description, Finding of Fact No. 2, and as depicted in Ex. 2, all lots have access to a public street, either to Road B, Road C or Tract D. Tract D as depicted in the preliminary plat map, Ex. 2, is only identified as a utility tract with no mention of access. The conditions of approval will require it to be identified as an access tract as well. The project is not located within a floodplain, as shown by the FEMA map attached as Exhibit C to the preliminary drainage report, Ex. 29. As determined in the Findings of Fact, wetlands are adequately protected and in fact wetland functions will be enhanced as a result of the project. As further discussed in the findings of fact, a debris flow mitigation berm will be required as a protective improvement in order to protect project resident from landslide activity. This requirement will be conditioned to be noted on the final plat. As determined in Finding of Fact 3, the project makes adequate provision for drainage ways, streets, alleys, other public ways, water supplies and sanitary wastes.

**RMC 4-7-080(I)(1):** *...The Hearing Examiner shall assure conformance with the general purposes of the Comprehensive Plan and adopted standards...*

5. The proposed preliminary plat is consistent with the Renton Comprehensive Plan as outlined in Section 6(a) of the staff report, which is incorporated by this reference as if set forth in full.

**RMC 4-7-120(A):** *No plan for the replatting, subdivision, or dedication of any areas shall be approved by the Hearing Examiner unless the streets shown therein are connected by surfaced road or street (according to City specifications) to an existing street or highway.*

6. The internal circulation system of the subdivision connects to SR 169, an existing highway.

**RMC 4-7-120(B):** The location of all streets shall conform to any adopted plans for streets in the City.

7. The staff report and administrative record do not identify any applicable street plan or grid system that would compel the connection of the interior streets to any other roads beyond SR 169. The aerial photo on page 2 of the staff report shows that there are no other roads in proximity to the project that could be feasibly extended to the project. Given the extreme slopes that adjoin the project it is highly unlikely that any other roads could ever connect to the project from the south. The project is separated from a cul de sac west by residential development. There do not appear to be any roads to the east that could be extended to the project.

**RMC 4-7-120(C):** *If a subdivision is located in the area of an officially designed trail, provisions shall be made for reservation of the right-of-way or for easements to the City for trail purposes.*

8. The staff report and administrative record do not identify any officially designated trail in the vicinity.

1 **RMC 4-7-130(C):** *A plat, short plat, subdivision or dedication shall be prepared in conformance*  
2 *with the following provisions:*

3 *1. Land Unsuitable for Subdivision: Land which is found to be unsuitable for subdivision includes*  
4 *land with features likely to be harmful to the safety and general health of the future residents (such as*  
5 *lands adversely affected by flooding, steep slopes, or rock formations). Land which the Department*  
6 *or the Hearing Examiner considers inappropriate for subdivision shall not be subdivided unless*  
7 *adequate safeguards are provided against these adverse conditions.*

8 *a. Flooding/Inundation: If any portion of the land within the boundary of a preliminary plat is*  
9 *subject to flooding or inundation, that portion of the subdivision must have the approval of the State*  
10 *according to chapter 86.16 RCW before the Department and the Hearing Examiner shall consider*  
11 *such subdivision.*

12 *b. Steep Slopes: A plat, short plat, subdivision or dedication which would result in the creation of a*  
13 *lot or lots that primarily have slopes forty percent (40%) or greater as measured per RMC 4-3-*  
14 *050J1a, without adequate area at lesser slopes upon which development may occur, shall not be*  
15 *approved.*

16 ...

17 *3. Land Clearing and Tree Retention: Shall comply with RMC 4-4-130, Tree Retention and Land*  
18 *Clearing Regulations.*

19 *4. Streams:*

20 *a. Preservation: Every reasonable effort shall be made to preserve existing streams, bodies of water,*  
21 *and wetland areas.*

22 *b. Method: If a stream passes through any of the subject property, a plan shall be presented which*  
23 *indicates how the stream will be preserved. The methodologies used should include an overflow area,*  
24 *and an attempt to minimize the disturbance of the natural channel and stream bed.*

25 *c. Culverting: The piping or tunneling of water shall be discouraged and allowed only when going*  
26 *under streets.*

*d. Clean Water: Every effort shall be made to keep all streams and bodies of water clear of debris*  
*and pollutants.*

9. As determined in the Findings of Fact, significant protective measures and safeguards are proposed and conditioned to ensure that the proposed development is adequately protected from the geologic hazards of the site. As proposed and conditioned the project area is appropriate for

1 subdivision. As previously discussed there is no evidence in the record that there is any flooding  
2 problem, beyond that which could be potentially associated with landslide activity and flooding in  
3 that respect is adequately mitigated by the debris flow mitigation berm.

4 In assessing compliance with RMC 4-4-130, the staff report only identifies trees on site that are of 6-  
5 inch caliper or larger. There is nothing in RMC 4-4-130 that limits tree retention to trees that of 6-  
6 inch caliper or higher. RMC 4-11-200 defines a tree as having a caliper of 2 inches or higher and the  
7 tree retention requirements of RMC 4-4-130 do not provide for any exceptions for trees smaller than  
8 six inches. It is possible that trees between two and six inches are not present on the site, but that's  
9 not clear from the record and it would not be reasonable to make that inference. In addition to the  
10 additional information recommended by staff as identified in Finding of Fact No. 4(D), the conditions  
11 of approval will also require that tree retention be applied to all trees with a two inch caliper or  
12 greater.

13 As noted in the Findings of Fact, the stream functions will actually be enhanced by the extensive  
14 amount of mitigation and restoration proposed by the applicant and required in the conditions of  
15 approval. No new piping or tunneling of the stream is proposed. It is unclear what is intended by the  
16 requirement that projects should provide for an "overflow area" for streams. The extensive amount of  
17 open space and buffering adjoining the stream and the separation provided by the debris flow  
18 mitigation berm appear to provide overflow capacity. At any rate, the requirement is not mandatory  
19 and the stream has otherwise been thoroughly protected and separated from the development.

20 **RMC 4-7-140:** *Approval of all subdivisions located in either single family residential or multi-  
21 family residential zones as defined in the Zoning Code shall be contingent upon the subdivider's  
22 dedication of land or providing fees in lieu of dedication to the City, all as necessary to mitigate the  
23 adverse effects of development upon the existing park and recreation service levels. The requirements  
24 and procedures for this mitigation shall be per the City of Renton Parks Mitigation Resolution.*

25 10. As outlined in Finding of Fact No. 3(D), the proposal exceeds both park and open space  
26 requirements.

21 **RMC 4-7-150(A):** *The proposed street system shall extend and create connections between existing  
22 streets unless otherwise approved by the Public Works Department. Prior to approving a street  
23 system that does not extend or connect, the Reviewing Official shall find that such exception shall  
24 meet the requirements of subsection E3 of this Section. The roadway classifications shall be as  
25 defined and designated by the Department.*

26 11. As discussed in Conclusion of Law No. 7, the only street that the project could connect to is  
SR 169.



1 RMC 4-7-150(B): All proposed street names shall be approved by the City.

2 12. As conditioned.

3 **RMC 4-7-150(C):** Streets intersecting with existing or proposed public highways, major or  
4 secondary arterials shall be held to a minimum.

5 13. The project would be landlocked if it could not directly access SR 169.

6 **RMC 4-7-150(D):** *The alignment of all streets shall be reviewed and approved by the Public Works*  
7 *Department. The street standards set by RMC 4-6-060 shall apply unless otherwise approved. Street*  
8 *alignment offsets of less than one hundred twenty five feet (125') are not desirable, but may be*  
9 *approved by the Department upon a showing of need but only after provision of all necessary safety*  
*measures.*

10 14. The Public Works Department has reviewed and approved the street alignment. The project  
11 will be conditioned upon compliance with RMC 4-6-060, which presumably has already been verified  
12 by the Public Works department but this is not evident from the record.

13 **RMC 4-7-150(E):**

14 *1. Grid: A grid street pattern shall be used to connect existing and new development and shall be the*  
*predominant street pattern in any subdivision permitted by this Section.*

15 *2. Linkages: Linkages, including streets, sidewalks, pedestrian or bike paths, shall be provided within*  
16 *and between neighborhoods when they can create a continuous and interconnected network of roads*  
17 *and pathways. Implementation of this requirement shall comply with Comprehensive Plan*  
18 *Transportation Element Objective T-A and Policies T-9 through T-16 and Community Design*  
*Element, Objective CD-M and Policies CD-50 and CD-60.*

19 *3. Exceptions:*

20 *a. The grid pattern may be adjusted to a "flexible grid" by reducing the number of linkages or the*  
21 *alignment between roads, where the following factors are present on site:*

22 *i. Infeasible due to topographical/environmental constraints; and/or*

23 *ii. Substantial improvements are existing.*

24 *4. Connections: Prior to adoption of a complete grid street plan, reasonable connections that link*  
25 *existing portions of the grid system shall be made. At a minimum, stub streets shall be required*  
26 *within subdivisions to allow future connectivity.*

1 *5. Alley Access: Alley access is the preferred street pattern except for properties in the Residential*  
2 *Low Density land use designation. The Residential Low Density land use designation includes the*  
3 *RC, R-1, and R-4 zones. Prior to approval of a plat without alley access, the Reviewing Official shall*  
4 *evaluate an alley layout and determine that the use of alley(s) is not feasible...*

5 *6. Alternative Configurations: Offset or loop roads are the preferred alternative configurations.*

6 *7. Cul-de-Sac Streets: Cul-de-sac streets may only be permitted by the Reviewing Official where due*  
7 *to demonstrable physical constraints no future connection to a larger street pattern is physically*  
8 *possible.*

9 15. As discussed in Conclusion of Law No. 7 there are no roads other than SR 169 with which the  
10 project could connect. No grid system is reasonably feasible because the steep slopes make any thru  
11 streets impractical. The project has an internal looped road system, which is identified as the  
12 preferred alternative to a grid system in the regulation quoted above. Alley access is also provided for  
13 most lots. Topography would make it difficult to configure the plat to allow for alley access of all  
14 lots.

15 **RMC 4-7-150(F):** *All adjacent rights-of-way and new rights-of-way dedicated as part of the plat,*  
16 *including streets, roads, and alleys, shall be graded to their full width and the pavement and*  
17 *sidewalks shall be constructed as specified in the street standards or deferred by the*  
18 *Planning/Building/Public Works Administrator or his/her designee.*

19 16. As conditioned.

20 **RMC 4-7-150(G):** *Streets that may be extended in the event of future adjacent platting shall be*  
21 *required to be dedicated to the plat boundary line. Extensions of greater depth than an average lot*  
22 *shall be improved with temporary turnarounds. Dedication of a full-width boundary street shall be*  
23 *required in certain instances to facilitate future development.*

24 17. As discussed in Conclusion of Law No. 7 there are no feasible street connections to the  
25 project other than directly to SR 169 as proposed.

26 **4-7-160(A):** *Blocks shall be deep enough to allow two (2) tiers of lots, except where:*

1. *Abutting principal arterials defined in the Transportation Element of the Comprehensive Plan.*

2. *The location and extent of environmental constraints prevent a standard plat land configuration,*  
*including size and shape of the parcel.*

3. Prior to approval of single-tier lot configuration based on exceptions 1 and 2, the proponent must demonstrate that a different layout or provisions of an alley system is not feasible.

18. The steep slopes and the shape of the parcel could not accommodate two tiers of lots for all lots while still retaining a looped road system unless a significant number of lots were eliminated. Given that the applicant has already proposed open space that significantly exceeds open space requirements such an accommodation would have to be considered not feasible.

**4-7-160(B):** *Where circumstances warrant, the Reviewing Official may require one or more public crosswalks or walkways of not less than six feet (6') in width dedicated to the City to extend entirely across the width of the block at locations deemed necessary. Such crosswalks or walkways shall be paved for their entire width and length with a permanent surface and shall be adequately lighted at the developer's cost.*

19. As identified in Finding of Fact 3(E) and depicted in Ex. 4, the proposal includes three paved cross-walks that link the sidewalks of the interior block to the exterior trail and sidewalks along Road A. It is unclear whether the sidewalks shall be at least six feet in width so that will be made a condition of approval.

**RMC 4-7-170(A):** *Insofar as practical, side lot lines shall be at right angles to street lines or radial to curved street lines.*

20. As depicted in Ex. 2, the side lines are in conformance with the requirement quoted above.

**RMC 4-7-170(B):** *Each lot must have access to a public street or road. Access may be by private access easement street per the requirements of the street standards.*

21. Each lot will have access to Road B or the alley, which the staff report states will be public. It is not immediately apparent from the conditions of approval or the plat notes in the exhibits that the plat roads and alley are required to be dedicated so this will be made a condition of approval. The staff report identifies Tract D as an access easement, strongly suggesting that public dedication is not contemplated. 4-7-170(B) allows for private access easements such as Tract D so long as the easements comply with street standards. Compliance with street standards shall be made a condition of approval.

**RMC 4-7-170(C):** *The size, shape, and orientation of lots shall meet the minimum area and width requirements of the applicable zoning classification and shall be appropriate for the type of development and use contemplated. Further subdivision of lots within a plat approved through the provisions of this Chapter must be consistent with the then-current applicable maximum density requirement as measured within the plat as a whole.*

22. The proposed density of the plat as a whole is 6.33 units per acre, which is less than the 8 units per acre authorized by the R-8 zoning district. Lot area and width will not meet the minimum requirements of the R-8 district as outlined in Table A and Table C of the staff report. Any deviations from minimum lot width authorized by this decision are based upon compliance with PUD criteria of RMC 4-9-150. For purposes of RMC 4-7-170(C), deviations approved by the PUD standards should be considered to be consistent with the requirements of the applicable zoning classification.

**RMC 4-7-170(D):** *Width between side lot lines at their foremost points (i.e., the points where the side lot lines intersect with the street right-of-way line) shall not be less than eighty percent (80%) of the required lot width except in the cases of (1) pipestem lots, which shall have a minimum width of twenty feet (20') and (2) lots on a street curve or the turning circle of cul-de-sac (radial lots), which shall be a minimum of thirty five feet (35').*

23. The “required lot width” for this project has been reduced by operation of the PUD standards, RMC 4-9-150. As reduced, the lot widths for each lot are fairly consistent from front to rear lot and the foremost lot lines are all at least 80% of lot width. However, there is at least one corner lot located on a street curve that has less than the required 35 foot frontage. Deviation from this 35 foot requirement is authorized under the PUD standards for the same reasons justifying the reduction in lot width.

**RMC 4-7-170(E):** *All lot corners at intersections of dedicated public rights-of-way, except alleys, shall have minimum radius of fifteen feet (15').*

24. As conditioned.

**RMC 4-7-190(A):** *Easements may be required for the maintenance and operation of utilities as specified by the Department.*

25. The Department has requested Tract D to include an easement for utilities as authorized by the regulation quoted above.

**RMC 4-7-190(A):** *Due regard shall be shown to all natural features such as large trees, watercourses, and similar community assets. Such natural features should be preserved, thereby adding attractiveness and value to the property.*

26. Large trees shall be retained or replaced as discussed in Finding of Fact No. 4(D) and Conclusion of Law No. 9. The stream will be protected by buffers, mitigation/restoration and open space as determined in Finding of Fact No. 4.

**RMC 4-7-200(A):** *Unless septic tanks are specifically approved by the Public Works Department and the King County Health Department, sanitary sewers shall be provided by the developer at no*

1 *cost to the City and designed in accordance with City standards. Side sewer lines shall be installed*  
2 *eight feet (8') into each lot if sanitary sewer mains are available, or provided with the subdivision*  
3 *development.*

4 27. As conditioned.

5 **RMC 4-7-200(B):** *An adequate drainage system shall be provided for the proper drainage of all*  
6 *surface water. Cross drains shall be provided to accommodate all natural water flow and shall be of*  
7 *sufficient length to permit full-width roadway and required slopes. The drainage system shall be*  
8 *designed per the requirements of RMC 4-6-030, Drainage (Surface Water) Standards. The drainage*  
9 *system shall include detention capacity for the new street areas. Residential plats shall also include*  
10 *detention capacity for future development of the lots. Water quality features shall also be designed to*  
11 *provide capacity for the new street paving for the plat.*

12 28. As noted Finding of Fact 3(C ), the drainage system is designed to maintain Level 2 flows,  
13 which requires maintaining the durations of high flows at their predevelopment levels for all flows  
14 greater than one-half of the 2-year peak flow up to the 50-year peak flow. This necessarily includes  
15 drainage capacity for the new street areas and all other impervious surfaces as demonstrated in the  
16 preliminary storm drainage report, Ex. 29. The project will be conditioned for compliance with the  
17 other elements of the regulation quoted above.

18 **RMC 4-7-200(C):** *The water distribution system including the locations of fire hydrants shall be*  
19 *designed and installed in accordance with City standards as defined by the Department and Fire*  
20 *Department requirements.*

21 29. As conditioned.

22 **RMC 4-7-200(D):** *All utilities designed to serve the subdivision shall be placed underground. Any*  
23 *utilities installed in the parking strip shall be placed in such a manner and depth to permit the*  
24 *planting of trees. Those utilities to be located beneath paved surfaces shall be installed, including all*  
25 *service connections, as approved by the Department. Such installation shall be completed and*  
26 *approved prior to the application of any surface material. Easements may be required for the*  
*maintenance and operation of utilities as specified by the Department.*

30. As conditioned.

**RMC 4-7-200(E):** *Any cable TV conduits shall be undergrounded at the same time as other basic*  
*utilities are installed to serve each lot. Conduit for service connections shall be laid to each lot line*  
*by subdivider as to obviate the necessity for disturbing the street area, including sidewalks, or alley*  
*improvements when such service connections are extended to serve any building. The cost of*  
*trenching, conduit, pedestals and/or vaults and laterals as well as easements therefore required to*

bring service to the development shall be borne by the developer and/or land owner. The subdivider shall be responsible only for conduit to serve his development. Conduit ends shall be elbowed to final ground elevation and capped. The cable TV company shall provide maps and specifications to the subdivider and shall inspect the conduit and certify to the City that it is properly installed.

31. As conditioned.

**RMC 4-7-210:**

**A. MONUMENTS:**

Concrete permanent control monuments shall be established at each and every controlling corner of the subdivision. Interior monuments shall be located as determined by the Department. All surveys shall be per the City of Renton surveying standards.

**B. SURVEY:**

All other lot corners shall be marked per the City surveying standards.

**C. STREET SIGNS:**

The subdivider shall install all street name signs necessary in the subdivision.

32. As conditioned.

**RMC 4-9-150(B)(2):** Code Provisions That May Be Modified:

a. In approving a planned urban development, the City may modify any of the standards of chapter 4-2 RMC, chapter 4-4 RMC, RMC 4-6-060 and chapter 4-7 RMC, except as listed in subsection B3 of this Section. All modifications shall be considered simultaneously as part of the planned urban development...

33. As shown in Table A of the staff report, the requested revisions are limited to the regulations identified in the regulation quoted above.

**RMC 4-9-150(D):** The City may approve a planned urban development only if it finds that the following requirements are met.

1. *Demonstration of Compliance and Superiority Required:* Applicants must demonstrate that a proposed development is in compliance with the purposes of this Section and with the Comprehensive Plan, that the proposed development will be superior to that which would result without a planned

1 urban development, and that the development will not be unduly detrimental to surrounding  
2 properties.

3 34. The purposes of the PUD regulations, as outlined in RMC 4-9-150, are to preserve and protect  
4 the natural features of the land and to encourage innovation and creativity in development of  
5 residential uses. As outlined in Finding of Fact No. 3 the natural features of the site are protected by  
6 open space, buffers and mitigation that significantly exceeds minimum code standards. The proposal  
7 involves innovation and creativity via the staff recommended requirement of a variety of home  
8 models, the looped road and trail system, the debris flow mitigation berm and the extensive amount  
9 of open space. The project is consistent with the comprehensive plan as determined in Conclusion of  
10 Law No. 5, the project is consistent with the Renton Comprehensive Plan. As determined in Finding  
11 of Fact No. 5, the proposal is superior in design to what which would occur without a PUD. As  
12 determined in Finding of Fact No. 3 and 4 the project will not create any significant adverse impacts  
13 and so would not be unduly detrimental to surrounding properties.

14 **RMC 4-9-150(D):** The City may approve a planned urban development only if it finds that the  
15 following requirements are met.

16 ...

17 2. *Public Benefit Required: In addition, applicants shall demonstrate that a proposed development*  
18 *will provide specifically identified benefits that clearly outweigh any adverse impacts or undesirable*  
19 *effects of the proposed planned urban development, particularly those adverse and undesirable*  
20 *impacts to surrounding properties, and that the proposed development will provide one or more of*  
21 *the following benefits than would result from the development of the subject site without the proposed*  
22 *planned urban development:*

23 a. *Critical Areas: Protects critical areas that would not be protected otherwise to the same*  
24 *degree as without a planned urban development; or*

25 b. *Natural Features: Preserves, enhances, or rehabilitates natural features of the subject*  
26 *property, such as significant woodlands, native vegetation, topography, or noncritical area*  
*wildlife habitats, not otherwise required by other City regulations; or...*

c. *Overall Design: Provides a planned urban development design that is superior to the*  
*design that would result from development of the subject property without a planned urban*  
*development. A superior design may include the following: ...*

35. The proposal provides for public benefit by providing amenities related to critical areas,  
natural features and overall design that significantly exceed code standards as determined in Finding  
of Fact No. 6. These benefits clearly outweigh any adverse impacts since there are no significant  
adverse impacts associated with the proposal as determined in Finding of Fact No. 3 and 4. Staff's  
suggested condition, adopted by this decision, requiring an increase in the variety of house models  
compensates for the uniformity of lot size.

1 **RMC 4-9-150(D):** The City may approve a planned urban development only if it finds that the  
2 following requirements are met.

3 ...

4 *3. Additional Review Criteria: A proposed planned urban development shall also be reviewed for*  
5 *consistency with all of the following criteria:*

6 *a. Building and Site Design:*

7 *i. Perimeter: Size, scale, mass, character and architectural design along the planned urban*  
8 *development perimeter provide a suitable transition to adjacent or abutting lower density/intensity*  
9 *zones. Materials shall reduce the potential for light and glare.*

10 36. As mentioned in Finding of Fact No. 6, the proposed landscaping along Maple Valley  
11 Highway would not only provide screening of the highway to the homes but would screen the  
12 proposed Tract A, detention facility from the road. The topography of the site on the east and south  
13 results in a natural screen to adjacent properties and the stream buffer associated with the proposed  
14 enhancement plantings would provide a screen to the residential neighborhood to the west. All  
15 proposed single family homes would be required to comply with the residential design standards for  
16 the R-8 zone resulting in a compatible size, scale, mass, character and architectural design for the  
17 overall development. Compliance with these standards would be reviewed at building permit  
18 application.

15 **RMC 4-9-150(D):** *The City may approve a planned urban development only if it finds that the*  
16 *following requirements are met.*

17 ...

18 *3. Additional Review Criteria: A proposed planned urban development shall also be reviewed for*  
19 *consistency with all of the following criteria:*

20 *a. Building and Site Design:*

21 ...

22 *ii. Interior Design: Promotes a coordinated site and building design. Buildings in groups should be*  
23 *related by coordinated materials and roof styles, but contrast should be provided throughout a site by*  
24 *the use of varied materials, architectural detailing, building orientation or housing type; e.g., single*  
25 *family, townhouses, flats, etc.*

26 37. As determined in Finding of Fact No. 6, the interior site design promotes quality pedestrian  
and vehicular circulation, increased critical area protection, promotes safety by buffering the high  
landslide hazards, and buffers the development from Maple Valley Highway. All homes would be  
required to comply with the R-8 development design standards which would result in coordinated, yet



1 varied roof styles and materials, architectural detailing, and a variety of home styles throughout the  
2 development.

3 **RMC 4-9-150(D):** *The City may approve a planned urban development only if it finds that the*  
4 *following requirements are met.*

5 ...

6 3. Additional Review Criteria: A proposed planned urban development shall also be reviewed for  
7 consistency with all of the following criteria

8 ...

9 *b. Circulation:*

10 *i. Provides sufficient streets and pedestrian facilities. The planned urban development shall have*  
11 *sufficient pedestrian and vehicle access commensurate with the location, size and density of the*  
12 *proposed development. All public and private streets shall accommodate emergency vehicle access*  
13 *and the traffic demand created by the development as documented in a traffic and circulation report*  
14 *approved by the City. Vehicle access shall not be unduly detrimental to adjacent areas.*

15 38. The subdivision would gain access from Maple Valley Highway at one access point, identified  
16 as "Road A". Road A connects to a looped road, "Road B", which provides access throughout the  
17 development. Proposed Lots 1 – 8, and 11 – 17 are directly accessed off of Road B. Proposed Lots 9  
18 and 10 would gain access via an access and utilities Tract, identified as "Tract D". Proposed Lots 18  
19 - 34 would be accessed via a proposed alley, "Road C". In addition, a 20-foot wide right-of-way  
20 dedication is proposed along the frontage of Maple Valley Highway. Street lighting, sidewalks, and  
21 curb and gutter will be required. The PUD would have sufficient pedestrian and vehicle access based  
22 on the location, size and density of the development, if all conditions of approval are met. See  
23 Finding of Fact No. 6, "Public Benefit, subsection: Overall Design 2. Circulation for additional  
24 discussion on pedestrian and vehicle circulation.

25 Furthermore, the applicant has indicated that all roads would be designed to accommodate emergency  
26 vehicle access and the traffic generated by the project. In the Environmental Review, staff and the  
Environmental Review Committee reviewed the provided traffic study and proposed mitigation for  
impacts proposed for the increase in traffic attributed to the development (Exhibit 30). As such, if the  
applicant complies with all mitigation measures of the SEPA determination; traffic would not be  
unduly detrimental to adjacent areas.

23 **RMC 4-9-150(D):** *The City may approve a planned urban development only if it finds that the*  
24 *following requirements are met.*

25 ...

26 3. Additional Review Criteria: A proposed planned urban development shall also be reviewed for  
consistency with all of the following criteria

...  
b. Circulation:

...  
*ii. Promotes safety through sufficient sight distance, separation of vehicles from pedestrians, limited driveways on busy streets, avoidance of difficult turning patterns, and minimization of steep gradients.*

39. If the proposed conditions of approval are met, the pedestrian separation along Maple Valley Highway would be provided with an 8-foot planter strip. Another 8-foot planter strip would be located along the “inside” of Road B and the west side of Road A. Furthermore, the pedestrian looped trail would provide another means for pedestrian movement throughout the development maintaining sufficient separation from vehicles.

A lighting plan was not included in the applicant’s submittal packet; therefore, it is not clear how the proposed pedestrian pathways would be illuminated at night. Although, the soft surface trail should not be lit at night as this may cause additional impacts to the stream and its buffer, the remainder of the pedestrian pathway throughout the site should be lit with shielded lighting to reduce increased impacts to the wildlife habitat within the stream. As a condition of approval, the applicant shall submit a lighting plan for review and approval by the Current Planning Project Manager prior to utility construction. The lighting plan shall contain pedestrian lighting in addition to building and landscaping lighting if proposed.

The proposed development would limit driveways on busy streets and 50 percent of the lots would be accessed from a public alley. In addition, only one access point is proposed from Maple Valley Highway to the development, Road A. Based on the traffic analysis the applicant would provide a new right turn deceleration lane for access to Road A and a right turn taper for access to SR-169 from the site eastbound. The applicant has proposed to design Road A with a less than 12 percent slope and Road B would be less than 8 percent slope with landings designed for the intersections for the entrances to the public alley. These design considerations/requirements would result in a circulation system that would avoid difficult turning patterns, minimizes steep gradients and minimize driveways on busy streets.

Once the applicant has fulfilled the conditions of approval (noted above); the promotion of safety could be accomplished.

**RMC 4-9-150(D):** *The City may approve a planned urban development only if it finds that the following requirements are met.*

...

1 *3. Additional Review Criteria: A proposed planned urban development shall also be reviewed for*  
2 *consistency with all of the following criteria*

3 ...  
4 *b. Circulation:*

5 ...  
6 *iii. Provision of a system of walkways which tie residential areas to recreational areas, transit, public*  
7 *walkways, schools, and commercial activities.*

8 40. See Finding of Fact No. 6 “Public Benefit, Subsection: Overall Design 1. and 2”.

9 The street frontage improvements along Maple Valley Highway and within the internal street system  
10 would provide a connection to a school bus stop and potentially public transit. The applicant has  
11 proposed to provide two benches along the frontage of Maple Valley Highway for the school bus  
12 stop. The site is constrained by natural topographical features and connections to surrounding areas  
13 are difficult due to the topography and Maple Valley Highway. However, the internal street system  
14 provides sufficient walkways to access the site. The subject site is located on periphery of the City  
15 boundary, and is relatively isolated from commercial zoned property. There is no existing access to  
16 commercial development in or near the subject site and no new access proposed for pedestrians.

17 **RMC 4-9-150(D):** *The City may approve a planned urban development only if it finds that the*  
18 *following requirements are met.*

19 ...  
20 *3. Additional Review Criteria: A proposed planned urban development shall also be reviewed for*  
21 *consistency with all of the following criteria*

22 ...  
23 *b. Circulation:*

24 ...  
25 *iv. Provides safe, efficient access for emergency vehicles.*

26 41. The project has been reviewed and by the environmental review committee, which according  
to RMC 2-14-3 is composed of representatives from the fire department, public works, community  
services and community and economic development. If the roadways are designed per recommended  
standards (Exhibit 31), the development would provide safe, efficient access for emergency vehicles.  
The committee has recommended approval and staff have concluded in the staff report that the

proposal provides for safe and efficient access of emergency vehicles and there is no evidence to the contrary. The criterion is satisfied.

**RMC 4-9-150(D):** *The City may approve a planned urban development only if it finds that the following requirements are met.*

...

*3. Additional Review Criteria: A proposed planned urban development shall also be reviewed for consistency with all of the following criteria*

*c. Infrastructure and Services: Provides utility services, emergency services, and other improvements, existing and proposed, which are sufficient to serve the development.*

42. As determined in Finding of Fact No. 3, the proposal is served by sufficient public infrastructure and services to serve the development.

**RMC 4-9-150(D):** *The City may approve a planned urban development only if it finds that the following requirements are met.*

...

*3. Additional Review Criteria: A proposed planned urban development shall also be reviewed for consistency with all of the following criteria*

...

*d. Clusters or Building Groups and Open Space: An appearance of openness created by clustering, separation of building groups, and through the use of well-designed open space and landscaping, or a reduction in amount of impervious surfaces not otherwise required.*

43. The uniqueness of the site, with a considerable percentage consumed by critical areas, results in a necessity to cluster development. When considering all critical areas on the site (including the portion located in King County) and their buffers or slope setback areas, approximately 60 percent of the site is undevelopable. These natural features create a site that maintains open space in the form of critical area buffers as well as recreation space. The requested lot size and setback modification allow for a clustered R-8 development that provides increase protection of critical areas creating an appearance of openness. See additional discussion Finding of Fact No. 6 "Public Benefit, Subsections: Critical Areas and Natural Features". As noted in the previous sections, the proposed development would have well-designed open space and landscaping. In order to maintain sufficient separation between buildings, the applicant has not requested a modification for the side yard setback, as such all structures will maintain a minimum of 10 feet of separation. This spacing allows for emergency access and sufficient fire separation.

1 **RMC 4-9-150(D):** *The City may approve a planned urban development only if it finds that the*  
2 *following requirements are met.*

3 ...  
4 3. *Additional Review Criteria: A proposed planned urban development shall also be reviewed for*  
5 *consistency with all of the following criteria*

6 ...  
7  
8 *e. Privacy and Building Separation: Provides internal privacy between dwelling units, and external*  
9 *privacy for adjacent dwelling units. Each residential or mixed use development shall provide visual*  
10 *and acoustical privacy for dwelling units and surrounding properties. Fences, insulation, walks,*  
11 *barriers, and landscaping are used, as appropriate, for the protection and aesthetic enhancement of*  
12 *the property, the privacy of site occupants and surrounding properties, and for screening of storage,*  
13 *mechanical or other appropriate areas, and for the reduction of noise. Windows are placed at such a*  
14 *height or location or screened to provide sufficient privacy. Sufficient light and air are provided to*  
15 *each dwelling unit.*

16 44. As mentioned above the proposed subdivision is screened on all four sides from surrounding  
17 development, due to the natural topography, stream buffer area and proposed landscape buffer along  
18 Maple Valley Highway. Within the subdivision, unit to unit privacy would be provided by the side  
19 yard setback requirement. The applicant has indicated in the Project's Compliance Statement, Ex. 37,  
20 that wood fences would be used to separate the single family lots to provide both screening and  
21 privacy for adjacent dwelling units. Street trees are required either within the required landscape strip  
22 or in the front yard of the lot. The required trees would add to the privacy for lots across Road B. As  
23 discussed in Finding of Fact No. 6, "Public Benefit, Subsections: Critical Areas and Natural  
24 Features", the proposed walkways and landscaping are appropriate for the protection and aesthetic  
25 enhancement of the property.

26 All homes would be required to be designed to meet the residential design standards for the R-8 zone.  
These standards would require windows on the front of the home, increasing access to light and air  
for each dwelling unit. Furthermore, each lot would have private front, side and rear yards, enhancing  
each lot with landscaping and access to light and air.

27 **RMC 4-9-150(D):** *The City may approve a planned urban development only if it finds that the*  
28 *following requirements are met.*

29 ...  
30 3. *Additional Review Criteria: A proposed planned urban development shall also be reviewed for*  
31 *consistency with all of the following criteria*

1 ...

2  
3 *f. Building Orientation: Provides buildings oriented to enhance views from within the site by taking*  
4 *advantage of topography, building location and style.*

5 45. The lots are arranged in into 3 groups. Group one is located along Maple Valley Highway  
6 (Lots 1 – 10) aligned east-west. Group two is located along the east side of Road B (Lots 11 – 17)  
7 aligned north-south and group three is located in the center of Road B (Lots 18 – 34) aligned east-  
8 west. The site topography slopes down from south to north, resulting in a tiered housing effect after  
9 site grading. Based on the proposed grading of the site, the applicant has indicated that all new  
homes would have a view of the Cedar River, located across Maple Valley Highway. The proposed  
layout maximizes the use of topography and building location to take advantage of the views to the  
north of the Cedar River.

10 **RMC 4-9-150(D):** *The City may approve a planned urban development only if it finds that the*  
11 *following requirements are met.*

12 ...  
13 *3. Additional Review Criteria: A proposed planned urban development shall also be reviewed for*  
14 *consistency with all of the following criteria*

15 ...  
16 *g. Parking Area Design: Provides parking areas that are complemented by landscaping and not*  
17 *designed in long rows. The size of parking areas is minimized in comparison to typical designs, and*  
*each area related to the group of buildings served. The design provides for efficient use of parking,*  
*and shared parking facilities where appropriate.*

18 46. Required parking would be provided within garages attached to each home, of which 50  
19 percent would be accessed via a public alley. Additional guest parking would be provided on the  
20 driveway aprons for each lot. On-street parking would be provided along Road B on one side. The  
21 proposed parking is designed to provide efficient use of the site and would be appropriately screen by  
the provided garages.

22 **RMC 4-9-150(D)(4):** *Each planned urban development shall demonstrate compliance with the*  
23 *development standards contained in subsection E of this Section, the underlying zone, and any*  
24 *overlay districts; unless a modification for a specific development standard has been requested*  
*pursuant to subsection B2 of this Section.*

25 47. As discussed below, the proposal complies with all development standards imposed by RMC  
26 4-9-150(E). As previously determined the uses and density proposed for the project is consistent with

1 the underlying zone. As depicted in the plat maps, Ex. 2, the lots comply with the bulk and  
2 dimensional requirements of the underlying zone except to the extent modified by the PUD  
3 regulations.

4 **RMC 4-9-150(E)(1):** *Common Open Space Standard: Open space shall be concentrated in large*  
5 *usable areas and may be designed to provide either active or passive recreation. Requirements for*  
6 *residential, mixed use, commercial, and industrial developments are described below.*

7 *a. Residential: For residential developments open space must equal at least ten percent (10%) of the*  
8 *development site's gross land area.*

9 *i. Open space may include, but is not limited to, the following:*

10 *(a) A trail that allows opportunity for passive recreation within a critical area buffer (only the square*  
11 *footage of the trail shall be included in the open space area calculation), or*

12 *(b) A sidewalk and its associated landscape strip, when abutting the edge of a critical area buffer and*  
13 *when a part of a new public or private road, or*

14 *(c) A similar proposal as approved by the reviewing official.*

15 *ii. Additionally, a minimum area equal to fifty (50) square feet per unit of common space or*  
16 *recreation area shall be provided in a concentrated space as illustrated in Figure 1.*

17 48. The proposed development is located on an 11.59 acre site, of which the majority is located in  
18 critical areas including the entire portion located within King County. The portion of the site located  
19 in the City of Renton is 7.32 acres, based on the 7.32 acre site the required amount of open space  
20 would be 31,899 square feet. The applicant has dedicated an Open Space Tract E and C which totals  
21 29,638 square feet and a soft surface trail that equals 9,192 square feet, resulting in a total of 38,830  
22 square feet, resulting in 6,931 square feet of additional open space. The proposed development would  
23 have 34 lots, 50 square feet of common space or recreation areas is required per unit, resulting in a  
24 requirement of an additional 1,700 square feet. To fulfill the common space requirement the  
25 applicant has proposed to provide a 4,188 square foot park, resulting in 2,488 square feet of  
26 additional recreation space than required. The park is located on the inside of Road B directly across  
the street from the Open Space Tract. The overall location and design of the park, open space and  
trail are located as to create a quality open space/recreation area for the development, specifically if  
all conditions of approval are met.

27 **RMC 4-9-150(E)(2):** *Private Open Space: Each residential unit in a planned urban development*  
28 *shall have usable private open space (in addition to parking, storage space, lobbies, and corridors)*  
29 *for the exclusive use of the occupants of that unit. Each ground floor unit, whether attached or*  
30 *detached, shall have private open space which is contiguous to the unit. The private open space shall*

1 *be well demarcated and at least fifteen feet (15') in every dimension (decks on upper floors can*  
2 *substitute for the required private open space). For dwelling units which are exclusively upper story*  
3 *units, there shall be deck areas totaling at least sixty (60) square feet in size with no dimension less*  
4 *than five feet (5').*

4 49. Each lot would have a private yard in both the front and the rear of the lot. The requested  
5 setback reduction is for a 10-foot front and 10-foot rear, which could result in a private open space  
6 yard that is less than 15 feet in every dimension. However, the lots sizes are large enough to  
7 accommodate a portion of the yard to meet this standard. As a condition of approval, compliance  
8 with this standard shall be reviewed at building permit stage.

8 **RMC 4-9-150(E)(3): Installation and Maintenance of Common Open Space:**

9 *a. Installation: All common area and open space shall be landscaped in accordance with the*  
10 *landscaping plan submitted by the applicant and approved by the City; provided, that common open*  
11 *space containing natural features worthy of preservation may be left unimproved. Prior to the*  
12 *issuance of any occupancy permit, the developer shall furnish a security device to the City in an*  
13 *amount equal to the provisions of RMC 4-9-060. Landscaping shall be planted within one year of the*  
14 *date of final approval of the planned urban development, and maintained for a period of two (2)*  
15 *years thereafter prior to the release of the security device. A security device for providing*  
16 *maintenance of landscaping may be waived if a landscaping maintenance contract with a reputable*  
17 *landscaping firm licensed to do business in the City of Renton is executed and kept active for a two*  
18 *(2) year period. A copy of such contract shall be kept on file with the Development Services Division.*

17 *b. Maintenance: Landscaping shall be maintained pursuant to requirements of RMC 4-4-070.*

18 50. As conditioned.

19 **RMC 4-9-150(E)(4): Installation and Maintenance of Common Facilities:**

20 *a. Installation: Prior to the issuance of any occupancy permits, all common facilities, including but*  
21 *not limited to utilities, storm drainage, streets, recreation facilities, etc., shall be completed by the*  
22 *developer or, if deferred by the Planning/Building/Public Works Administrator or his/her designee,*  
23 *assured through a security device to the City equal to the provisions of RMC 4-9-060...*

24 51. As conditioned.

25 **RMC 4-9-150(E)(4): Installation and Maintenance of Common Facilities:**

26 ...



1 b. Maintenance: All common facilities not dedicated to the City shall be permanently maintained by  
2 the planned urban development owner, if there is only one owner, or by the property owners'  
3 association, or the agent(s) thereof. In the event that such facilities are not maintained in a responsible  
4 manner, as determined by the City, the City shall have the right to provide for the maintenance  
5 thereof and bill the owner or property owners' association accordingly. Such bill, if unpaid, shall  
6 become a lien against each individual property.

7 52. As a condition of approval, the applicant is required to establish a home owners' association  
8 for the development, which would be responsible for any common improvements, including but not  
9 limited to the soft surface trail, landscaping, and park within the PUD prior to Final PUD approval.  
10 All common facilities, not dedicated to the City, shall be permanently maintained by the PUD home  
11 owners' association.

12 **RMC 4-9-150(H)(2):** *Merger with Other Applications: A preliminary planned urban development*  
13 *may be considered simultaneously with any other land use permit required for a proposal, including*  
14 *but not limited to: preliminary plats, short plats, binding site plans, critical area modifications or*  
15 *variances, shoreline substantial developments permits, shoreline variances, shoreline conditional use*  
16 *permits, grading regulation modifications or variances, or other applications. Where merged, the*  
17 *review criteria for all of the applications shall be considered simultaneously with the planned urban*  
18 *development criteria in subsection C of this Section. Where there are conflicts with review criteria,*  
19 *the criteria of subsection C of this Section shall govern. Where merged, all permits shall be*  
20 *considered simultaneously as part of the planned urban development. The review authority shall be*  
21 *determined consistent with RMC 4-8-080C2, Review Authority for Multiple Permit Applications.*

22 53. As discussed in Finding of Fact No. 4, the application includes a request to reduce the stream  
23 buffers of the Class III stream and an alteration to the stream buffer for a water line crossing. Both  
24 critical area modifications are approved based upon the findings and conclusions adopted by  
25 reference in Finding of Fact No. 4.

## 26 **DECISION**

27 The proposed preliminary plat, preliminary PUD, stream buffer reduction and stream buffer alteration  
28 are all approved. Requested revisions to development standards are approved to the extent  
29 recommended by staff in Exhibit 31. The proposal is subject to the following conditions of approval:

30 1. The applicant shall comply with the 12 mitigation measures issued as part of the  
31 Determination of Non-Significance Mitigated, dated August 22, 2011.

32 2. The applicant shall construct street frontage improvements, as modified in Exhibit 31, Staff  
33 Recommendation, Approved Modification form Renton Municipal Code (RMC). These

1 improvements shall be shown on the final PUD application, and reviewed and approved by the  
2 Engineering Plan Review Project Manager prior to final PUD approval.

3 3. The applicant shall submit a detailed final landscape plan for review and approval by the  
4 Current Planning Project Manager prior to final PUD approval. The detailed final landscape plan  
shall include, but is not limited to the following:

5 a. Proposed locations and design details of benches and interpretive signage proposed along the  
6 soft surface trail.

7 b. Street trees shall be identified in compliance with the City's street tree standards.

8 c. The plan shall indicate either 100 percent drought tolerant plantings or the applicant shall  
9 provide a final irrigation plan with the final detailed landscape plan.

10 d. The plan shall include exact numbers of trees, shrubs, and groundcover and shall include  
11 specific locations for the shrubs and ground cover.

12 e. The plan shall identify the existing location and number of trees with a two inch caliper or  
13 greater and the applicant shall protect and/or replace all of these trees as required by the City's tree  
retention ordinance, RMC 4-4-130. See Conclusion of Law No. 9.

14 4. The park shall be moved east by one lot to align with Road A, and adjusting Lot 34 to be the  
15 northwest corner lot of the internal portion of the development. This change shall be reflected on the  
16 final PUD application materials.

17 5. The detention facility shall be re-designed to become an integral part of the open space  
18 system. The design shall meet the City's stormwater requirements and shall be reviewed and  
approved by the City of Renton Current Planning Project Manager, prior to final PUD approval.

19 6. All crosswalks in the development shall be differentiated by material or texture from adjacent  
20 paving materials and shall be at least six feet in width. An updated site plan depicting proposed  
21 materials or texture for crosswalks shall be submitted for review and approval by the Current  
Planning Project Manager prior to final PUD approval.

22 7. The applicant shall submit a lighting plan for review and approval by the Current Planning  
23 Project Manager prior to construction permit issuance. The lighting plan shall contain pedestrian  
24 lighting in addition to building and landscaping lighting if proposed.

25 8. The applicant shall revise the utility plan to depict a 1-inch water meter to all lots. The  
26 revised plan shall be submitted to and approved by the Engineering Plan Review Project Manager  
prior to Final Plat recording

1 9. The applicant shall establish a home owners' association for the development, which would  
2 be responsible for any common improvements, including but not limited to the soft surface trail,  
3 landscaping, and park within the PUD. The draft CCR's shall be reviewed and approved by the City  
4 Attorney, prior to final PUD approval. All common facilities, not dedicated to the City, shall be  
5 permanently maintained by the PUD home owners' association. The CCR's shall provide that any  
6 covenants required by the City may not be amended without City approval.

7 10. The applicant shall establish and record a permanent and irrevocable easement on the property  
8 title for all critical areas and their buffers prior to Final Plat recording. The protective easement shall  
9 be held by current and future property owners; shall run with the land; and shall prohibit  
10 development, alteration, and disturbance within the easement except for the purposes of habitat  
11 enhancement as a part of an enhancement project, access for the trail users and maintenance, and  
12 debris flow mitigation access for landslide events. Furthermore, these areas shall be fenced with split  
13 rail fencing, providing designated access points along the trail and necessary access for debris  
14 removal in the event of a landslide. In addition, the large portion of the site that is located in King  
15 County shall be recorded in a separate critical areas tract that is consistent with King County Code  
16 section 21A.24, and shall have an NGPE or similar easement consistent with KKC recorded on this  
17 tract

18 11. The Park shall be placed in a recreation tract, this designation shall be identified on the final  
19 PUD and Plat Plan, prior to Final Plat recording.

20 12. A covenant shall be placed on all tracts restricting their separate sale and giving each lot  
21 owner within the plat an undivided interest in the tracts. This covenant should be recorded on the  
22 face of the plat, and/or concurrent with the plat recording, noting the recording number on the plat.

23 13. A street lighting plan shall be submitted with the construction permit application for review  
24 and approval by the Plan Reviewer prior to construction permit approval.

25 14. A note shall be placed on the face of the plat requiring proposed Lots 8-11 to gain access from  
26 the proposed access easement, Tract D. The note shall be recorded concurrently with the Final Plat.

15 15. The applicant shall apply for and successfully obtain a Shoreline Substantial Development  
16 Permit, prior to construction permit issuance.

17 16. The applicant shall submit a final stream buffer mitigation and monitoring plan that complies  
18 with the criteria included in RMC 4-8-120 and RMC 3-4-050. The applicant shall provide the final  
19 stream buffer mitigation and monitoring plan for review and approval to the Current Planning Project  
20 Manager, prior to final PUD approval.

1 17. The applicant shall provide a trail detail for review and approval by the Current Planning  
2 Project Manager, prior to final PUD approval, showing compliance with the criteria in RMC 4-3-  
050C.7.a specifically the trail surface materials.

3 18. The applicant shall submit a detailed wetland buffer enhancement plan, that is compliant with  
4 RMC 4-3-050 for review and approval by the Current Planning Project Manager, prior to final PUD  
5 approval.

6 19. Temporary construction fencing shall be installed along the utility corridor within the buffer,  
7 to isolate the area of disturbance and reduce potential further impacts. Construction fencing shall be  
8 shown on construction plans and shall be approved by the Current Planning Project Manager prior to  
construction permit issuance.

9 20. The applicant shall provide the Current Planning Project Manager, a water line installation  
10 plan, which complies with RMC 4-3-050L.8.b.i.(b) for review and approval, prior to final PUD  
11 approval.

12 21. The applicant shall provide the Current Planning Project Manager, an utility installation  
13 analysis, prepared by a certified biologist, that addresses criterion 4-3-050L.8.b.i.(d) and is accepted  
14 by the Administrator of Community and Economic Development or Designee, prior to final PUD  
approval. If the report concludes there would be impacts, as identified in this criterion, the installation  
of the water line would be denied.

15 22. Construction of the water line shall be limited to June through August when stream flows are  
16 anticipated to be low and that City Staff is contacted to verify little to no flow within the stream bed  
17 before construction commences.

18 23. The common boundary between the native growth protection tract and the abutting land must  
19 be permanently identified. This identification shall include a permanent wood split rail fence and  
20 metal signs on treated or metal posts. The permanent wood split rail fence and signs shall be installed  
prior to Final Plat recording.

21 24. The following note shall appear on the face of the Final Plat and shall also be recorded as a  
22 covenant running with the land on the title of record for all affected lots on the title:  
23 "MAINTENANCE RESPONSIBILITY: All owners of lots created or benefitting from this City  
24 action abutting or including a native growth protection tract are responsible for maintenance and  
25 protection of the tract. Maintenance includes ensuring that no alterations occur within the tract and  
26 that all vegetation remains undisturbed unless the express written authorization of the City has been  
received."

1 25. Temporary construction fencing shall be installed along the edge of the wetlands and stream  
2 buffer areas, to clearly identify the edge of the critical areas during the construction phase of the  
3 development. This fencing may encroach within the stream buffer, in approved temporary  
4 construction locations per the provided Critical Areas report, for the construction of the storm water  
5 pond. Construction fencing shall be shown on construction plans and shall be approved by the  
6 Current Planning project manager prior to construction permit issuance.

7 26. Tract D on the preliminary plat map, Ex. 2, shall be identified as an access and utility tract and  
8 shall comply with City street standards as contemplated in RMC 4-7-170(B).

9 27. All proposed street names shall be submitted to the City and approved by the City prior to  
10 final plat approval.

11 28. All subdivision streets shall comply with the street standards of RMC 4-6-060 as  
12 contemplated in RMC 4-7-150(D).

13 29. All adjacent rights-of-way and new rights-of-way dedicated as part of the plat, including  
14 streets, roads, and alleys, shall be graded to their full width and the pavement and sidewalks shall be  
15 constructed as specified in the street standards or deferred by the Planning/Building/Public Works  
16 Administrator or his/her designee.

17 30. Road A, B and C as depicted in Ex. 2 shall be dedicated to the public.

18 31. All lot corners at intersections of dedicated public rights-of-way, except alleys, shall have a  
19 minimum radius of fifteen feet (15') as contemplated by RMC 4-7-170(E).

20 32. Sanitary sewers shall be provided by the developer at no cost to the City and designed in  
21 accordance with City standards. Side sewer lines shall be installed eight feet (8') into each lot if  
22 sanitary sewer mains are available, or provided with the subdivision development.

23 33. As contemplated in RMC 4-7-200(B), cross drains shall be provided to accommodate all  
24 natural water flow and shall be of sufficient length to permit full-width roadway and required slopes.  
25 The drainage system shall be designed per the requirements of RMC 4-6-030, Drainage (Surface  
26 Water) Standards.

34. The water distribution system including the locations of fire hydrants shall be designed and  
installed in accordance with City standards as defined by the Department and Fire Department  
requirements as contemplated in RMC 4-7-200(C).

35. All utilities designed to serve the subdivision shall be placed underground. Any utilities  
installed in the parking strip shall be placed in such a manner and depth to permit the planting of  
trees. Those utilities to be located beneath paved surfaces shall be installed, including all service

connections, as approved by the Department. Such installation shall be completed and approved prior to the application of any surface material. Easements may be required for the maintenance and operation of utilities as specified by the Department of Community and Economic Development..

36. Any cable TV conduits shall be undergrounded at the same time as other basic utilities are installed to serve each lot. Conduit for service connections shall be laid to each lot line by subdivider as to obviate the necessity for disturbing the street area, including sidewalks, or alley improvements when such service connections are extended to serve any building. The cost of trenching, conduit, pedestals and/or vaults and laterals as well as easements therefore required to bring service to the development shall be borne by the developer and/or land owner. The subdivider shall be responsible only for conduit to serve his development. Conduit ends shall be elbowed to final ground elevation and capped. The cable TV company shall provide maps and specifications to the subdivider and shall inspect the conduit and certify to the City that it is properly installed.

37. Concrete permanent control monuments shall be established at each and every controlling corner of the subdivision. Interior monuments shall be located as determined by the Department of Community and Economic Development. All surveys shall be per the City of Renton surveying standards. All other lot corners shall be marked per the City surveying standards.

38. The applicant shall install all street name signs necessary in the subdivision.

39. The applicant shall demonstrate compliance with the private open space standards of RMC 4-9-150(E)(2) for each lot prior to and as a requirement for building permit issuance.

40. Landscaping shall be maintained pursuant to requirements of RMC 4-4-070.

41. Prior to the issuance of any occupancy permits, all common facilities, including but not limited to utilities, storm drainage, streets, recreation facilities, etc., shall be completed by the applicant or, if deferred by the Planning/Building/Public Works Administrator or his/her designee, assured through a security device to the City equal to the provisions of RMC 4-9-060.

42. Water and sanitary sewer availability certificates will be acquired prior to final plat approval.

43. All common area and open space shall be landscaped in accordance with the landscaping plan submitted by the applicant and approved by the City; provided, that common open space containing natural features worthy of preservation may be left unimproved. Prior to the issuance of any occupancy permit, the developer shall furnish a security device to the City in an amount equal to the provisions of RMC 4-9-060. Landscaping shall be planted within one year of the date of final approval of the planned urban development, and maintained for a period of two (2) years thereafter prior to the release of the security device. A security device for providing maintenance of landscaping may be waived if a landscaping maintenance contract with a reputable landscaping firm licensed to do

1 business in the City of Renton is executed and kept active for a two (2) year period. A copy of such  
2 contract shall be kept on file with the Development Services Division.

3  
4  
5 DATED this 20<sup>th</sup> day of January, 2012.

6  
7  
8 Phil A. Olbrechts  
9 City of Renton Hearing Examiner

10  
11 **Appeal Right and Valuation Notices**

12 RMC 4-8-110(E)(9) provides that the final decision of the hearing examiner is subject to appeal to  
13 the Renton City Council. RMC 4-8-110(E)(9) requires appeals of the hearing examiner's decision  
14 to be filed within fourteen (14) calendar days from the date of the hearing examiner's decision. A  
15 request for reconsideration to the hearing e examiner may also be filed within this 14 day appeal  
16 period as identified in RMC 4-8-110(E)(8) and RMC 4-8-100(G)(4). A new fourteen (14) day  
17 appeal period shall commence upon the issuance of the reconsideration. Additional information  
18 regarding the appeal process may be obtained from the City Clerk's Office, Renton City Hall – 7<sup>th</sup>  
19 floor, (425) 430-6510.

20 Affected property owners may request a change in valuation for property tax purposes  
21 notwithstanding any program of revaluation.  
22  
23  
24  
25  
26